The University of Chicago

SECTIONALISM AND PARTY POLITICS IN ALABAMA 1819-1842

A DISSERTATION

SUBMITTED TO THE FACULTY
OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
DEPARTMENT OF HISTORY

BY

THEODORE HENLEY JACK

The Collegiate Press
GEORGE BANTA PUBLISHING COMPANY
MENASHA, WISCONSIN
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PREFATORY NOTE

In a study of the opposition to secession in Alabama, suggested to me several years ago by Professor Thomas C. McCorvey, of the University of Alabama, and developed to some extent in the historical seminary of Professor Albert Bushnell Hart, of Harvard University, it became apparent that properly to estimate the underlying causes of this opposition it was necessary first to study the history of Alabama in its earlier phases and to discover the reasons for the sectional antagonisms which were so strikingly manifested throughout the whole struggle over the secession of the State from the Union. The present monograph, submitted as a doctoral dissertation in the University of Chicago, is the result of the later study. It is my purpose to publish, as soon as may be, an account of the twin-problem, sectionalism and the opposition to secession, in one book.

It would be impossible for me adequately to express my obligations in this connection to Dr. Thomas M. Owen, Director of the Department of Archives and History of Alabama, to whom every student of Alabama history is under an incalculable debt of gratitude for his remarkable work in collecting and in making accessible rich stores of Alabama historical material. Though he is in no sense responsible for even a single statement in this monograph, his indirect influence in shaping the whole has been beyond computation. The entire resources of the Department were at all times at my disposal, his valuable personal collections, manuscript and otherwise, were generously opened to me, his intimate and accurate knowledge of men and movements in Alabama was unstintedly at my service; and I am deeply indebted to him and to Mrs. Marie Bankhead Owen, his wife, for advice and encouragement while engaged in gathering the material for this study.

From the late Dr. William Stokes Wyman, of Tuscaloosa, the Nestor of Alabama scholars, historian by instinct though not by profession, I profited greatly through many discussions with him on

the early history of the State and through access to his valuable collection of Alabamiana.

To Professor Andrew C. McLaughlin and Professor William E. Dodd, of the University of Chicago, under whose direction this work was brought to a conclusion, it is a genuine pleasure thus to express the abiding sense of my manifold personal and scholarly obligations. For wise counsel and sound instruction and for a generous personal encouragement I owe more to these two scholars than I can set down here. I desire also to express my thanks to Professor James Westfall Thompson, Professor Marcus W. Jernegan, and Professor Conyers Read for sympathy and encouragement.

Without the encouragement of my brother, Edwin S. Jack, and of my sister, Mrs. James Pennington Borden, of Greensboro, Alabama, I should never have been permitted to be engaged in such pleasant enterprises as come with the scholar's life. But above all my highest debt throughout all the arduous labor connected with the preparation of this monograph is to my wife.

INTRODUCTION

From the time when Alabama was admitted as a State into the Union until it was triumphantly, almost joyously, led out again by that great protagonist of secession, William Lowndes Yancey, the most striking and significant feature in the history of the State was the growth of a spirit of sectionalism and the almost complete control of that spirit in shaping and directing its political, social, and economic development. It is the purpose of this monograph, therefore, to set out the causes for the growth of this sectional spirit, to indicate the manner in which these causes operated to produce a given result, and to point out and explain the influence of the consequent division on the life and character of the State.

The spirit of sectionalism in Alabama was, naturally and necessarily, a resultant of many forces, the interaction of many factors. The nature of settlement, the characteristics of the settlers, both of an hereditary and of an environmental sort, and the accident of location tended, from the very beginning, rapidly to produce and to promote a dissimilarity in social relationships. Geographical conditions, a striking difference existing in the territory in soil and in climate, and the consequent and necessary localization of the slave population fostered and furthered radically divergent types of economic endeavor. These factors of social and economic heterogeneity very early in the course of the State's history operated to furnish a foundation for party division and party struggle—the chief and most obvious means by which and through which the life of a State is depicted.

There was a common saying in certain parts of Alabama between 1836 and 1852 that where one found rich black soil, there one would find a slave; where one found a slave, there one would find a bale of cotton; and where one found a bale of cotton, there one would find a Whig. Like all aphorisms, this was not altogether true; but it verged on the truth, as did the negative side of the statement, —and the explanation of that situation is the burden of this monograph.

CHAPTER I

The Process of Settlement

To set out the experiences of adventurous pioneers as they gradually took possession of a country under peril of savage foe and danger of unknown lands; to outline the conquest of a wilderness and the opening of fertile fields long hidden within its bosom; to weave the life of a people from the confused and scattered threads of a long past age; and to trace the foundations of a civil society in the region wrung from the unwilling hands of the aboriginal inhabitants is a task at once difficult and fascinating.

The settlement of Alabama came as an integral part of that thrilling struggle for the occupation of the west which, in many respects, has so fundamentally affected our history and has given so distinctive a tone to American life and character. The restless energy of the pioneer stock, the unquenchable yearning for new lands and novel experiences, the adventurous spirit born of the resistless tide of earlier westward migrations all contributed to the beginning of a movement of which the end was a new star in the American firmament of States. People poured into the territory like the swirling eddies of rushing waters—from the north and from the south, from the east and from the west; and every part of the Union contributed its quota to make up the early population of Alabama.

On every side, access to the Alabama territory was comparatively easy; and the movement of settlement was not confined to any one route. The Great Bend of the Tennessee, sweeping in a wide curve far down into the northern region, traversed the territory from the northeastern corner to the northwestern and gave easy entrance to settlement from the east and from the west. The Coosa and the Tallapoosa, flowing southwestwardly to form the greater Alabama, offered a natural approach to the heart of the country from the Georgia frontier. From the west, even in early days, well-defined trade routes led from the settlements on the Misissippi about Natchez to the upper and lower Tombigbee, which waters

the western limits of the state; and from the south, the Mobile and its affluents, the Alabama, the Tombigbee, and the Tensaw, furnished a splendid entrance for settlers.[1]

Into this territory the pioneers of a new land poured, following the blood-stained paths along the winding rivers, to establish trading relations with the Indians, to possess and occupy the land. The earlier settlements were all on the lower Tombigbee and Alabama; and in 1800, the Tombigbee settlements, comprising the total population in the territory that is now Alabama, amounted to only 750—500 white and 250 black. With the organization of a government, that of the Mississippi Territory, in 1798, and with the consequent greater security afforded to the settlers, the tide of immigration turned steadily to the Alabama country—in the

[1] Darby and Dwight, New Gazetteer of the United States, 14-15. Brown, Sam. R., Western Gazetteer, or Emigrants' Directory (1817), 7-16. Flint, Timothy, History and Geography of the Mississippi Valley (1832), I, 213-222. In the early period of American occupation three important highways, developing along the lines of old Indian trails or trade routes, penetrated the country. The first, the famous "Natchez Trace," ran south from the Cumberland settlements in Tennessee, through the Chickasaw and Choctaw nations, over the Tennessee river at Colbert's Ferry a few miles below Muscle Shoals, to the upper waters of the Tombigbee and thence southwestwardly to its terminus in the Natchez district on the Mississippi. Another originated in the Oconee settlements in Georgia, passed west to the Alabama, and followed that river to the Tombigbee district, at Fort Stoddart. This route, known after 1805 as "the Old Federal Road," or the "Three Chopped Way," became the chief means of access to the Tombigbee settlements and in the early years was crowded with pioneers from Georgia and the Carolinas. The third began at Knoxville, in East Tennessee, passed through the territories of the Cherokees and the Creeks and, crossing the Tombigbee about midway the Natchez Trace and the Old Federal Road, led on to the Mississippi settlements. In addition to these three main arteries, trails led also from Mobile and Pensacola into the Tombigbee region and to the upper Alabama. Other highways, of course, developed later—such, for example, as Jackson's military road, south from the Tennessee, or the "Great Tennessee Road" into Jones's Valley, the site of the present city of Birmingham. Yet none of these played the same part in opening up or in developing the country that the Natchez Trace or the Old Federal Road did. 7 U.S. Stat. at Large, 65-6, 96 fol.; Hamilton, Indian Trails and Early Roads of Alabama, in Ala. Hist. Soc., Transactions, II, 47-50; Monette, Valley of the Mississippi, II, 344, 364, 365; Pickett, Hist. of Alabama (Owen edition), 461-69, 486, 510; Powell, Hist. of Blount County, in Ala. Hist. Soc., Trans., 1855, 39; Claiborne, Life of Dale, 45; Watkins, King Cotton, 108; Martin, Hist. of Louisiana, II, 258; Ball, Hist. of Clarke Co., 317, 370.

earlier years to the lower Tombigbee, later, to the Tennessee Valley.[2] By successive treaties with the Indians, the settlers steadily extended their territorial control; and in 1810, the three counties of the Mississippi Territory included within the limits of the present State of Alabama—Washington, Baldwin, and Madison—contained a population of 9,046, of which 2,624 were negro slaves. Half of this population, but only a third of the slaves, was in Madison County, in the north, in the Great Bend of the Tennessee.[3]

The men who came into this new country were in general fitted by nature, by character, and by desire for the life they were to lead, —men ready and willing to endure privations, dangers, and sufferings; a gallant, hardy, adventurous race. It was a virile nature that was required to face the western wilds; it required enthusiastic self-reliance and an abounding energy to carve a home out of the almost impenetrable forests. That man in his social characteristics is profoundly affected and moulded by environment is an accepted law of social philosophy, but no less powerful in the moulding process is the influence of heredity. The men who left their eastern homes, their friends and firesides, were pioneers in spirit before they became pioneers in deed. And like the pioneers of every new country, the men who settled Alabama had to be adventurous and daring; such a folk would, of necessity, be industrious and practical. The frontier virtues are always the virtues which follow in the train of industry—self-reliance, frugality, honesty, and independent spirit. The bases of aristocracy were left behind; therefore, intercourse was free, unceremonious, and liberal. An aristocratic spirit could develop only with permanence of settlement and with the recrudescence of former inequalities of station. Here were men who flattered none and feared none—men who would "strike hands with a king upon his throne, and think it kindness to his majesty." With these virtues, too, there went, as always, the attendant evils, —roughness of manner, a haughtiness of spirit producing violence and crime, a disregard of laws rather than actual lawlessness, a tendency to break away from the restraints of the older social order, a lessening of the ordinary social amenities.

[2] Claiborne, Life of Dale, 54, 65, 116; Monette, Valley of the Mississippi, II, 38 fol.

[3] Third Census, 1810; *Niles' Register*, I, 388.

Equipped with an axe and armed with a rifle, these men had brought their families through the wilderness and had established their homes on the table lands and the rich alluvial bottoms of the Tombigbee and the lower Alabama and on the fertile soil of the Tennessee valley, in the Great Bend. They understood the mind of the red man, met his guile and cunning with equal stratagem, and with the flexibility characteristic of their nature, were prepared for peace or war. These were the men, such was the type, sent to take possession of Alabama, and to defend the hard-won territory from the clutching hands of the reluctant Indian[4].

These people were clearing the land, building rude cabins, cultivating the fields. It did not take the acuteness of the red man long to see what this meant to him—despite the fact that only a small part of the territory had as yet passed by cession under the control of the alien white. In the earlier days, the savages had welcomed the hunters and the traders, the old Indian countrymen, and had profited by their visits or through their temporary sojourn among them; for these earlier pioneers were not land-hungry. Now, at the end of the first decade of the nineteenth century, things were becoming different. As the extent and fertility of the Alabama country became known, settlers began to follow the traders' paths and join the adventurers in this southwestern frontier. The aggressive enterprise of the settler and his steady encroachment on the savage; difficulties over trade and trade routes; the increasing realization of the Indian that he was being gradually yet surely pushed from his happy hunting ground, added to the incitement of the British through their famous emissary, Tecumseh, contributed to a general state of bad feeling between the two races which culminated in the great struggle known as the Creek Indian war—a part of the British-American struggle of 1812.[5]

[4] Meek, Romantic Passages in Southwestern History, *passim*; Pickett, History of Alabama (Owen Edition), *passim*; View of the Valley of the Miss., or Emigrants' Guide through the Valley of the Miss., (1834), 101-4; Claiborne, Life of Dale, 100 fol.; Wyman, Justus, Geographical Sketch of the Alabama Territory, (1819), in Ala. Hist. Soc., Publ. III, 107-27; Breckinridge, Richard, Diary, in Ala. Hist. Soc. Publ., III, 142-54; Darby, William, Geog. Descrip. of Territory of Alabama, (1817), 316-32.

[5] Claiborne, Life of Dale, 51 fol.; Meek, Romantic Passages, *passim*; Pickett, Hist. of Alabama, (Owen Edition), 503 fol.; chaps. 34 and 35; Halbert and Ball, Creek War of 1813 and 1814, *passim*.

This War of the Thirty Battles, as Meek called it,[6] beginning with the terrible massacre at Fort Mims, August 30, 1813, marked by surpassing bravery on both sides, by thrilling adventures and dare-devil exploits, culminated, as all such encounters have always done, in the crushing defeat of the savage.[7] With the treaty of Fort Jackson, August 9, 1814,[8] what may be called the modern period of Alabama history began. At Fort Jackson, the Creeks ceded all of their territory east of the Tombigbee and west of the Coosa—the great agricultural center of the present State of Alabama—to the conquering white, only a small portion south of the latter river being reserved to the survivors of the former mighty nation. During the course of the war, American troops had taken possession of Mobile and its dependent territory, and this, too, was added to the Mississippi Territory.[9] At this period, a large tract of country was yet in the possession of the Chickasaws, southwest of Madison county, but the American population began to form settlements on it. Hundreds went lower down, upon the upper Tombigbee.[10] To facilitate the advance of population north and west of the Creek nation and to prevent encroachments upon the Choctaws, Chickasaws, and Cherokees, commissioners of the United States obtained, in the autumn of 1816, all that territory from the headwaters of the Coosa westward to Cotton Gin Port, and to a line running from there to the mouth of Caney Creek, on the Tennessee.[11] The lands obtained from the Creeks were settled more slowly, as the Indians were not removed for several years after the treaty of Fort Jackson; and settlement was yet further delayed by the President's order forbidding occupation of this territory until it had

[6] Romantic Passages, 100.

[7] Pickett, Hist. of Alabama, (Owen edition), 610; ch. 40.

[8] 7 U.S. Stat. at Large, 120 fol.

[9] Toulmin, Digest of Alabama, (1823), 77-78.

[10] *Washington Republican*, Dec. 13, 1815, in Monette, Valley of the Mississippi, II, 433. Madison county, in the Great Bend of the Tennessee, comprising less than thirteen miles square, contained, in 1815, over 10,000 people, most of whom had entered within six years. This county cast 1,570 votes in the congressional election. *Washington Republican*, June 4, 1815, in Monette, Valley of the Mississippi, II 433-34.

[11] *Washington Republican*, Dec. 13, 1815, in Monette, Valley of the Mississippi, II, 432-33; Pickett, Hist. of Alabama, (Owen edition), 614.

been surveyed.[12] "The red man had now been pushed across the Tombigbee and to the Big Bear on the west, behind the elbow of the Tennessee on the north-east, out of the Tennessee valley proper, beyond the Coosa on the east, cut off from contact with the Spaniard at Pensacola, and driven from his hunting grounds on the lower Chattahoochee. Three-quarters of the present magnificent domain of Alabama lay at the will of the Anglo-American."[13]

With the Indian peril practically removed, with better observance of law and order due to the establishment of courts in the new land, with the disputes over early land titles fairly settled,[14] and with the prospect of an early establishment of a separate government in the eastern half of the Mississippi Territory,[15] the flood gates were opened, and a mighty stream of settlers poured in on all sides, from Virginia, from Georgia and the Carolinas, from Tennessee and Kentucky, and from other sections of the Union.[16] The richer lands along the rivers were soon occupied, and the immigrants spread over all of the territory as yet released from Indian control. Where the wilderness held sway but a year or two before, towns sprang up in a day as it seemed. Mobile, Blakeley, Tuscaloosa, Claiborne, in the southwest; Huntsville, Florence, Tuscumbia, Courtland, Moulton, Somerville, Russellville, Athens, in the north and northwest; Montgomery, on the Alabama—all became thriving centers of trade and *entrepots* for the surrounding farmers.[17] In 1817 the government lands had been opened to the public; and the sales were widely attended during 1817, 1818, and 1819. Town lots and agricultural lands in the more thickly settled communities sold at most extravagant figures.[18] "Never before or since has a

[12] Pickett, Hist. of Alabama, (Owen edition), 613-14.

[13] Brewer, Alabama, 37-38.

[14] Brown, Hist. of Alabama, 93; Riley, Hist. of Conecuh Co., 28.

[15] Brown, Hist. of Alabama, 126-127.

[16] Am. State Pap., Misc., II, 274; Pickett, Hist. of Alabama, (Owen edition), 613-22; *Huntsville Republican*, Dec. 1, 1820.

[17] Niles' Register, XII, 325; XIV, 15, 440; XV, 268; XXV, 79; Portfolio, Phila. Oct. 1817. 325-29; *id.*, Sept. 1816; Pickett. Hist. of Alabama, (Owen edition), 622; Toulmin, Digest, (1823), 774, 796, 802-3; 810-13, 826, 828; *Southern Advocate*, May 12, 1826; Riley Hist. of Conecuh Co., 29.

[18] *Huntsville Republican*, Sept. 12, 1818; Miller, Hist. of Alabama, 98; *Niles' Register*. XV, 126. The rapidity of settlement and the enormous development that followed in its wake is well indicated by the increase in the customs

country been so rapidly peopled."[19] "There is probably no portion of the world of similar extent, which can exhibit such an astonishingly rapid increase of population produced by the voluntary emigration of enterprising individuals," said a writer in Niles' Register.[20] The population in 1815 was estimated at 15,000; in 1817, at 30,000; and in 1820, the census showed 129,227.[21] And this great movement was yet further facilitated by the creation of the Territory into a State and by its admission to the Union in 1819.

Cotton was cultivated in Alabama by the Indians as early as the middle of the eighteenth century; for Barnard Romans found crude machines for separating the lint from the seed in the Mobile district in 1772.[22] The suitableness of the soil for the cultivation of the crop soon made its appeal to the settlers on the southwestern waters; and as early as 1802 three gins, the material for which had been brought by packhorses across the Creek nation from Georgia, were set up—one on the Tensaw, owned by the Pierce brothers from New England, another on the Tombigbee, near McIntosh's Bluff; and a third at Weatherford's plantation, on the upper Alabama.[23] Within ten years after the establishment of a territorial government, cotton had become the engrossing staple, supplanting indigo.[24] Gins were as yet few; and only the large cotton planters could afford a private one. But a public gin would serve many. Individual production was small; though, in the aggregate, a large crop was raised in 1808.[25] In 1806, the cultivation was begun in Madison county, on the rich bottom lands of the Tennessee valley;

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receipts at Mobile, the only seaport of Alabama. Between 1817 and 1818, the amount of tonnage more than doubled; and in 1818 the imports exceeded $3,000,000. The number of vessels cleared for Atlantic ports alone increased from 152 in 1817 to 360 in 1818. *Niles' Register*, XVI, 240.

[19] Pickett, Hist. of Alabama, (Owen edition), 622.

[20] *Niles' Register*, XXVII, 259-60; XII, 325.

[21] Third Census, 1820; *Niles' Register*, XI 388; XXVII, 259-60.

[22] Romans, Florida, 211-12.

[23] Pickett, Hist. of Alabama, (Owen edition), 469-70.

[24] Monette, Valley of the Mississippi, II, 378-79; Pickett, Alabama (Owen edition) 503; "Cotton is the staple commodity of our country; on it we depend for cash. For this reason, every planter directs his efforts to that particular article." Memorial to Congress, 1808, from the settlers—Am. State Pap., Public Lands, I, 597.

[25] Am. State Pap., Pub. Lands, I, 597; Watkins, King Cotton, 137.

and the production increased remarkably rapidly, considering the sparse population and the difficulties, between 1808 and 1816—mounting from about 500 bales, in 1808, to about 10,000, in 1816.[26] In 1817, 7,000 bales were exported from Mobile alone, and undoubtedly a large number of bales was sent to New Orleans for shipment. The cotton exports from Mobile for the next four years were: 1818, 10,000 bales, 1819, 16,000 bales, 1820, 25,390 bales, 1821, 44,000 bales (estimated).[27]

In the period 1816-1820, the average production was about 1,000 pounds in the seed per acre; and it was estimated that one field hand could cultivate from six to eight acres.[28] Madison county, in the Great Bend of the Tennessee, about twenty-two miles square, produced, in 1816, 10,000 bales—doubling the production of this crop in any other county of its size in the United States, according to statements made at that time.[29] Limestone county which was "public land" in 1818, produced 1,840 bales in 1820 and had in its borders 19 gins.[30] About the same time, travellers through the territory recounted wonderful, almost unbelievable, tales of the productiveness of the cotton lands along the Tombigbee, the Cahaba, and the Alabama rivers.[31] The famous woman traveller, Anne Royall, in her tour through Alabama in 1818, visited Andrew Jackson's plantation on the Tennessee, in Lawrence county, where she found sixty slaves employed in cotton culture. The land was so fertile that large quantities of the cotton were burned in the

[26] Watkins, King Cotton, 138.

[27] Planters' Almanac, 1844, in Ala. Hist. Soc., Trans., III, 126; *Niles' Register*, XXII, 240, XXIV, 21; *Alabama Republican* (Huntsville), May 24, 1822, with extracts from *Mobile Commercial Register*, n.d.

[28] Warden, Account of the United States, (1819), III, 38.

[29] *National Intelligencer*, Jan. 14, 1817. In 1819, with a white population of 10,000 and slaves to the number of 9,000, Madison county raised four and a half million pounds of ginned cotton, or about 10,000 bales, and contained in its borders 149 cotton gins. *Niles' Register*, XIX, 142.

[30] *Huntsville Republican*, Nov. 17, 1820.

[31] *Brown's Western Gazetteer*, (1817), 240. One delirious traveller wrote, of this region: "I cannot describe the cotton fields unless I compare them to a neglected peach orchard, with branches projecting from top to bottom, with a stem about the size of a man's wrist, from eight to ten, eleven, and twelve feet high."

fields for want of labor to get it out of the way of the plows. The plants measured frequently six feet and a half high. On this plantation, the saw gin and the old style wood screw press were used.[32] The importance of the cotton crop in the period is well illustrated by the mass of legislation in regard to it.[33] The price varied from 10 to 15 cents.[34]

[32] Watkins, King Cotton, 139.

[33] Toulmin, Alabama Digest, *passim*; Toulmin, Mississippi Digest, 232-35; Monette. Valley of the Mississippi, II, 378-79; Watkins, King Cotton, 139.

[34] In 1821 the crop sold at 12½ cents, in 1822, at 8 cents. *Niles' Register*, XXIII, 242; *Alabama Republican*, Huntsville, Nov. 17, Dec. 1, 1820; Nov. 23, 1821.

CHAPTER II

The Social and Economic Background

When Alabama was admitted to the Union in 1819, the tide of immigration, pouring like a flood into the new lands of the Southwest, had already, as we have seen, swept over the best sections of the State, with the chief areas of settlement in the Valley of the Tennessee on the north, on the river-system which dominated and gave access to the center of the State, and in the tide-water region above Mobile, up the Alabama, along the lower reaches of the Tombigbee and the Black Warrior. Every section of the Union contributed its quota to this movement of settlement; but the States contributing most largely to swell the stream were Virginia, the Carolinas, Georgia, and Tennessee, with a strong intermixture of individual settlers from the various northern States, especially from New England.[1]

But as a rule, the Virginians and Carolinians were apt to seek the bottom lands near the great rivers or the fine agricultural regions of the fertile west and southwest; the Tennesseeans, coming in over the northern route, settled largely in the northern portions of the State and along the Coosa and its tributaries in the middle; and the Georgians, crossing the Chattahoochee, set up their homes in the fast disappearing wilderness and began the struggle to dispossess the Indian occupants on the eastern frontier.[2] The Mobile district, because of the presence of the largest town of the new

[1] *Huntsville Republican*, Dec. 1, 1820, May 4, 1821; Brown, Hist. of Alabama, App., XII (Smith, E.A., Physical Geography and Natural Divisions of Alabama); Riley, Hist. of Conecuh Co., 73-74; Little, Butler Co., 34, 40, 43; Smith, Hist. of Pickens Co., *passim*.

[2] Garrett, Reminiscences of Public Men in Alabama, 33-9, *et passim*; Saunders, Early Settlers of Alabama, II, 33-5, 42-3; Pickett, Hist. of Ala., (Owen edition), 634 fol.; Brown. Hist. of Alabama, 129-32; Brewer, Alabama, *passim*. "But the great importance of the Territorial period lay in the rush of immigrants. In the spring of 1817 the movement was so rapid as to threaten many with starvation unless supplies were sent them from other parts. The price of provisions was very high. Flour was selling at Fort Claiborne at twenty

country and its consequent commercial importance, drew into its limits a mixed population, including men from all sections of the South, from the Middle States, and from New England.[3]

The distribution of the immigrants into the different quarters of the State soon tended to give its own peculiar character to each section. The nativity of the settlers was easily recognized, in this period, in their political proclivities, in their court and legal relations, in their manners and customs, and in their social attitudes. Traits somewhat peculiar to each type were discernible in the different communities in which the new comers settled,[4] and this was especially noticeable in the attitudes of the representatives in the State legislatures. The Georgian referred constantly to "Prince's Digest"; the Virginian, to the "Revised Statutes of 1819"; and the Tennesseean, to "Haywood." The South Carolinian opposed the statutory enactments of the new State, in general, as in many respects repugnant to or unknown in the laws of Carolina. State pride, especially in the case of the Virginians and the Carolinians, was always to the front, generally as an element of

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dollars a barrel, and corn at five dollars a bushel. The immigrants were not wealthy, as a rule; but neither were they shiftless outcasts from the older communities. They were people who wished to better their condition, and who were not afraid of a long journey or of facing rough surroundings. Soon their numbers were increased by a different class—wealthy planters, who came with numerous slaves to cultivate the rich cotton lands of the prairie belt." Brown, Hist. of Alabama, 129-30. Cf. the movement from Virginia and the Carolinas in the early Twenties.

[3] *The Huntsville Democrat*, a paper published in northern Alabama, commenting at a later time on the position of Mobile in this period, spoke of that city as "composed in good part of a floating population from the East, who feel little interest or concern for our citizens farther (sic) than to fleece them of their money." *Huntsville Democrat*, Mar. 31, 1838; Garrett, Reminiscences, 45, 180, 184; Brewer, Alabama, 385 fol.; *Southern Advocate*, Huntsville, May 12, 1826.

[4] "The inhabitants of the Alabama Territory are made up mostly of emigrants from all the States; consequently, many of the characteristic features of almost every State in the Union are to be found here. The majority of the wealth and population at present existing in the Alabama are from Virginia, North and South Carolina, and Georgia; consequently the manners and customs peculiar to these States are the prevailing characteristics here." Justus Wyman, Geographical Sketch of the Alabama Territory, (1819), in Ala. Hist. Soc. Publ., II, 120-21.

discord.[5] All were hospitable, as was natural in a new community, where there was constant movement from place to place and a steady immigration from the older States; and no traveller failed to find a seat at the table for himself or corn in the crib for his horse. Yet the hospitality of the Virginian and the Carolinian was distinctly more reserved and dignified than that of the Tennessean or Georgian. Although the essentially homogeneous structure of a pioneer community was everywhere evident,[6] yet the structure of social life in Alabama was homogeneous only to a surface view. At base, differences of origin, of location, and of interest appeared on all sides; and as time went on, these differences widened rather than decreased.

A marked and striking factor in the early life of the new commonwealth was the presence of an unusually large number, apparently, of graduates of the universities and colleges—men from Princeton, then the College of New Jersey, from the University of North Carolina at Chapel Hill, from the University of Virginia, from Franklin College or the University of Georgia, but especially from the famous South Carolina College at Columbia. A careful study of the various biographical memorabilia of the State indicates that three-fourths or more of the men largely influential in shaping the early political destinies of Alabama and in giving a distinctive character and tone to its manifold development were graduates of or former students in these five colleges. There were, to be sure, prominent men from various other institutions throughout the country.[7]

[5] Garrett, Reminiscences, 33-36; Brown, Hist. of Alabama, 130 fol.; Saunders, Early Settlers of Alabama, 44.

[6] Wyman, the young Massachusetts man, who settled in southwestern Alabama in 1819, wrote in his diary: "The wealthy, generally speaking, [are] easy and affable in their manner, hospitable to strangers, strongly attached to friends, irritable in their disposition towards their enemies, &c." And, with characteristic Puritanism, perhaps, he added: "Some, however, even the most wealthy and influential men, are very great villains; and almost all are fond of ease and recreation. The principal amusements are gambling, dancing, horse racing, cock-fighting, &c." Geographical Sketch of Alabama Territory, in Ala. Hist. Soc., Publ., II, 121.

[7] Cf. the biographical sketches and notices in Garrett, Reminiscences; Brewer, Alabama; Saunders, Early Settlers of Alabama; DuBose, Alabama Hist., etc.

In the early political activity of the State, the South Carolinians and the Georgians were the most active, while representatives from Virginia, because of State prestige, played a very large part, despite a general tendency to hold aloof.[8] This Virginian influence was strikingly evident in the wealthy and prosperous Tennessee Valley counties. The North Carolinians seemed to have marked facility, however, in capturing the offices.[9] The nativity of the representatives in the Alabama legislature in 1821 is illustrative. Of the 52 members, 18 were from Virginia, 13 from South Carolina, 8 from Georgia, 7 from North Carolina, 2 from Tennessee, 2 from Maryland, 1 from Pennsylvania, and 1 native Alabamian.[10] The Virginia representatives came largely from the Tennessee Valley; the North and South Carolinians, nearly all from the west and southwest; and the Georgians, from the east.

In the convention which framed the State's first constitution, the representatives from Madison county, in the Great Bend of the Tennessee, exercised the greatest influence, both because Madison was the largest and most important county of the new commonwealth, and because of the distinguished character of the delegation. It is therefore a significant fact that seven of the eight representatives were of Virginian birth—Gabriel Moore, from North Carolina, being the sole exception.[11] Of the 44 members of the convention, only three or four were born outside of Virginia, North Carolina, South Carolina, or Georgia.[12] The subcommittee which put into form the original draft of the constitution consisted of William R. King, a North Carolinian, Judge John M. Taylor, a Virginian, and Judge Henry Hitchcock, born and reared in Vermont.[13]

[8] Garrett Reminiscences, 34.

[9] For instance, of the five men serving as governor between 1819 and 1831 three were from North Carolina and two from Georgia, though of Virginian ancestry. One was a graduate of South Carolina College. Cf. Brewer, Alabama, ch. 6; Garrett, Reminiscences, sketches of W. W. Bibb, Thomas Bibb, Israel Pickens, John Murphy, and Gabriel Moore.

[10] *Niles' Register*, XX, 64.

[11] Garrett, Reminiscences, 484; Brewer, Alabama, 356-57, 350, 261, 349, 353, 352, 370, 419.

[12] Cf. biographical sketches in Brewer, Alabama; Garrett, Reminiscences; Saunders, Early Settlers in Alabama.

[13] Pickett, Hist. of Alabama (Owen edition), 643-44; DuBose, Alabama Hist., 100. C. C. Clay, born in Virginia and educated at East Tennessee

The early movement into Alabama had been merely a part of that general spirit of unrest—a desire on the part of people to seek green fields and pastures new, to try their fortune on a new cast. But the accounts that went back from the pioneers soon had their effect. The unusual fertility of the soil and its almost perfect adaptability for extensive agricultural development, in comparison with the worn-out farms in much of the older region, began to make an appeal to a different and a better class of settlers.[14] Following the depression after the war of 1812 and the more complete opening up of the Alabama country by the defeat of the Creeks, the hitherto prosperous planters and small farmers of the seaboard States commenced to pour, with their slaves,[15] into Alabama, to establish the plantation system, and to till the soil on a large scale, with primary attention to the cultivation of cotton.[16] Yet from the very beginning of ordered and permanent settlement, Alabama had been a "planting" country; the supreme interest of the settlers, almost to the complete exclusion of any other matter, was agriculture.[17] Corn and other food products were grown;[18] but throughout a good portion of the State, cotton soon became the absorbing interest wherever its cultivation was at all profitable or possible.[19]

College, Knoxville, was chairman of the general committee of fifteen charged with the preparation of a plan of government. Pickett, Hist. of Alabama (Owen edition), 649. Cf. Curry Papers, in Alabama Department of Archives and History, vol. 10.

[14] Pickett, Hist. of Alabama (Owen edition), 666; Brown, Hist. of Alabama 130; Little, Hist. of Butler Co., 40.

[15] *Blakeley Sun, n.d., in Niles' Register*, XVIII, 114 (1820).

[16] Birney, Life of Birney, 35 fol.; Brown, Hist. of Alabama, 136, 143, 148; Garrett, Reminiscences, 36; Saunders, Early Settlers, 7, 10, 11, 43 etc.; Miller, Hist. of Alabama, 91, 98-101, 103, 105; DuBose, Hist. of Alabama, 283-84; Owen, Annals of Alabama, in Pickett, Hist. of Alabama, 666.

[17] *Niles' Register*, VI, 394 (1814); Brewer, Alabama, 44; Brown, Hist. of Alabama, 136-37; *Alabama Republican*, Huntsville, July 27, 1821. The census of 1820 showed that out of a total white population of 84,451, men, women and children, 30,572 were engaged in agriculture, or kindred pursuits, 452 in commerce, 1,412 in manufacturing.

[18] *Niles' Register*, VI, 394.

[19] *Alabama Republican*, Huntsville, May 4, Nov. 2, 1821; *Southern Advocate*, Huntsville, May 12, 1826. As an evidence of this supreme interest in cotton, the following description of a voyage made in 1828 by an English travel-

During the decade 1810-1820, the period in which the territory was being rapidly peopled—and particularly after 1814, when the question of the Creek Indians had been for the time satisfactorily adjusted, the cotton crop of Alabama increased in a truly amazing fashion. In 1810, only 2,000 bales were produced; by 1820, the amount had risen to 75,000 bales; and at the end of the first decade of statehood, 1830, the total produced reached nearly 200,000 bales.[20]

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ler, Capt. Basil Hall, through the heart of the cotton region of the State is enlightening and illustrative:

"On our way from Montgomery to Mobile, which lies near the mouth of the Alabama, on the northern shore of the Gulf of Mexico, we called at about twenty different places to take on board bales of cotton. Indeed we soon found we had got completely into the country of that great staple, for nothing else seemed to be thought or talked of. Numberless persons came on board at each landing-place, some to take a passage, some merely to gossip—but whatever might be the ostensible object, cotton was the sole topic. Every flaw of wind from the shore wafted off the smell of that useful plant; at every dock or wharf we encountered it in huge piles or pyramids of bales, and our decks were soon choked up with it. All day and almost all night long, the captain, pilot, crew, and passengers were talking of nothing else; and sometimes our ears were so wearied with the sound of cotton! cotton! cotton! that we gladly hailed a fresh inundation of company in hopes of some change—but alas! Wiggin's Landing, or Chocktaw Creek, or the towns of Gaines, or Cahawba, or Canton, produced us nothing but fresh importations of the raw material. 'What's cotton at?' was the first eager inquiry. 'Ten cents.'—'Oh, that will never do!' From the cotton in the market, they went to the crops in the fields—the frost which had nipped their shoots—the hard times—the overtrading—and so round to the prices and prospects again and again, till I wished all the cotton in the country at the bottom of the Alabama." Captain Basil Hall, R.N., F.R.S., Travels in North America in the years 1827 and 1828, Edinburgh, 3rd. edition, 1830, 3 vols., III, 309-11, (April, 1828).

[20] Watkins, King Cotton, 138-41. The annual production from 1815 to 1840 was as follows:

1815	15,120	1824	94,261
1816	38,422	1825	114,921
1817	40,000	1826	160,454
1818	41,233	1827	144,231
1819	56,920	1828	118,619
1820	68,500	1829	132,808
1821	75,000	1830	163,321
1822	91,942	1831	187,164
1823	70,240	1832	191,760

The condition of cotton cultivation demanded the rich black lands usually found along the river courses. The cotton planters, therefore, with their slaves, began at an early date to establish themselves in that net work of rivers which drain and enrich the Black Belt of Alabama, the very heart of the cotton region, stretching entirely across the central part of the State and from fifty to seventy-five miles in width. In the Valley of the Tennessee, on its western reaches, another cotton section developed, small in comparison with the Black Belt, but unusually fertile.[21] With the exception of three or four counties in the Great Bend of the Tennessee, northern Alabama was not favorable to the production of cotton on a large scale, hence the ownership of slaves in large numbers was not particularly profitable; and the section was given over largely to the small farmer—a small proprietor or a tenant farmer.[22] The poorer, less progressive white people settled on the cheaper and less fertile lands of the northern, the eastern, and the

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1833	201,985	1837	278,813
1834	211,408	1838	361,782
1835	237,690	1839	296,011
1836	275,522	1840	391,495

As early as 1824, Niles reported that Alabama was rapidly becoming the greatest cotton State in the Union, (*Niles' Register*, XXVI, 282); and it was estimated that planters in Alabama would draw from consignees in New Orleans, after settling all arrearages, upward of $1,700,000 in specie for the crop of 1823, (Extract from *Louisiana Gazette*, n.d., quoted in *Niles' Register*, XXVI, 282). This, of course, was only a part of the returns for the crop of that year, inasmuch as the Alabama cotton consigned to New Orleans factors came almost entirely from the Tennessee Valley, being sent by way of the Tennessee and Mississippi rivers to New Orleans. *Alabama Republican*, Huntsville, March 26, 1822; *Mobile Commercial Register*, April 15, 1822. In 1822, the six Tennessee Valley County sent 27,000 bales to New Orleans.) The bulk of the crop of the southern and southwestern planters of the State was consigned to Mobile. Southern Alabama exported in 1825-26 75,000 bales, and northern Alabama 50,000, (*Niles' Register*, XXX, 241. See also *Alabama Republican*, Huntsville, Jan. 11, 1822; *Southern Advocate*, May 12, 19, 1826.) In 1840 Alabama produced nearly 400,000 bales; and became, during the decade of the Forties, the largest cotton producing State in the South, (Watkins, King Cotton, 137).

[21] Darby and Dwight, New Gazetteer of the United States, (1833) 13-15; E. A. Smith, in Tenth Census, VI, pt. II, 63.

[22] E. A. Smith in Tenth Census, VI, pt. II, 63; Brown, Ala., 130.

southeastern sections,[23] though, of course, settlements of this class were found in the heavily "black" or slave counties in the west and southwest.[24]

In these two comparatively restricted areas, the Black Belt and the three or four Tennessee Valley "cotton" counties, because of the nature of the soil and its surprising adaptability to the cultivation of cotton;[25] because of superior means of access by virtue of the river systems; and because of the characteristics of the settlers and their desires, the plantation system was early established,[26] and soon become the predominant economic and social factor. Under such a system as then managed, slavery was an essential feature, and even as early as 1819, when the territory was admitted as a State, the lines separating the slaveholding class from the non-slaveholders were tending to become distinct and were already quite noticeable.

The population of Alabama,[27] in 1820, in the beginning of Statehood, was 127,901; and already, due to the establishment of the plantation system, and the development of cotton cultivation, one-third of this number, or 42,450, were negro slaves. Of the slaves, nearly 75% were concentrated in twelve counties,[28] all lying in the southern and southwestern section, with the exception of Madison, which was a Tennessee Valley county. And in these twelve counties only one-third of the white population was seated.[29]

This uneven distribution of the slave population is brought out even more strikingly by a consideration of the percentages of blacks in the various counties. The line of the thirty-third parallel divides

[23] Wherever the Indian titles had been extinguished and the territory opened for occupation.

[24] Brown, Hist. of Alabama, 152-53.

[25] E. A. Smith, in Tenth Census, VI, pt. II, 60, etc.; Darby and Dwight, New Gazetteer of United States (1833), 13-15. *Huntsville Republican*, Nov. 17, Dec. 1, 1820, fol.

[26] Birney, Life of Birney, 35; Smith, above, 63 fol.; Brown, Hist. of Alabama, 129-30.

[27] Exclusive of Indians.

[28] At this period, there were twenty-five organized counties in the State.

[29] The situation in the southern section of the State on the Tombigbee, Alabama, and Mobile rivers is more remarkable when it is remembered that in Madison county the white population and the black population were almost exactly equal—8,813 whites, 8,668 blacks.

the State exactly in halves territorially; and in 1820, there were fourteen counties organized south of this line, and eleven north of it. Disregarding for the moment Washington county[30] and Henry county[31] and considering the remaining twelve counties, located in the central and southwestern sections of the State, on the lower Tombigbee, the lower Alabama, and the Mobile, the census figures for 1820[32] show that the slave population was over 40% of the total in seven counties; and between 30% and 40% in the other five. Of the eleven counties north of the division line, only one, Madison, had a slave population in excess of 40% of the total; one other had a slave population in excess of 30%; while nine had a negro population under 30%.[33]

By 1830 the population of the State had more than doubled, the census of that year showing a total population of 309,527, of which 117,549 were negro slaves. The percentage of increase among the slaves significantly enough was considerably larger than

[30] The population statistics for Washington county were not presented in the census of 1820 for some reason and are not now obtainable. Available evidence indicates that in 1820 its slave population was about 40% of the total, and the inclusion of the county in the estimates and comparisons made at this point would therefore serve to strengthen rather than to weaken the argument.

[31] Henry in 1820 comprised a very wide extent of territory south of the Creek lands in the extreme southeastern section of the State—the present "Wire Grass." It was settled largely by Georgians, in 1817 and following, and was organized as a county in 1819. Set off by the character of its soil and the type of its settlement, Henry developed peculiar social and economic interests. Cotton was not cultivated to any extent, and its agricultural interests were small. (Brewer, Alabama, 277 fol.). There was no community of feeling or interest between Henry and the central and southwestern counties.

[32] Third Census, 1820.

[33] The following comparative table showing the proportion of slaves to the total population in the counties by sections makes this distinction even more striking:

Counties	over 40%	"black"—7	southern;	1	northern.	
"	30-40%	"	5	"	1	"
"	20-30%	"	0	"	4	"
"	under 20%	"	0	"	5	"

That is, of the twelve southern counties under consideration, each had a slave population in excess of 30%; while nine of the eleven northern counties had a slave population of less than 30%.

that of the free population,[34] due, of course, to the opening up of fresh cotton lands, and the enormous development of the plantation system—for the greatest increase of slaves was in the "black" or "cotton" counties.[35]

Taking the line of the thirty-third parallel again as a territorial division, it appears that in 1830, 44% of the slave population was north of this line, and 56% south. But these figures give a false appearance to the distribution of the negroes, inasmuch as nearly 40,000 negroes were localized in six Tennessee river counties, and only 14,000 in the eleven other counties north of the line. And a similar situation appears in the southern half of the State. Of the 65,000 negroes in that section, only 3,500 were in the Wire Grass—the southeastern counties—while 61,500 were in the Black Belt and coast counties. That is to say, the slave population was even more closely congested in certain restricted districts—in the Black Belt and the Tennessee Valley counties—in 1830 than it was in 1820.[36]

Of the thirty-six counties in 1830, nineteen were in the southern half of the State, seventeen in the northern. Thirteen of the southern counties had a slave population in excess of 40% of the total; while only four northern counties were as heavily "black."

As would naturally be expected, these two districts, the Black Belt and the six Tennessee Valley counties, produced practically all of the cotton raised in Alabama. In 1840, for example, the first year in which the Census gave the cotton produced by counties, the amount raised in these two sections, a very small part of the whole State, reached 80% of the whole crop.[37]

Thus by the end of its first decade of independent political existence, Alabama, by virtue of its soil and climate, the character and desires of its settlers, and its apparent economic interests, had

[34] The increase of white population was 97%; of slave, 147%—the increase in the total population being 122%.

[35] Fourth Census, 1830, 100-1; Brown, Hist. of Alabama, 150.

[36] In the Tennessee river counties the slaves constituted 43% of the population; in the Black Belt, 47%; in the Wire Grass, 24%; and in the mineral regions of the northeastern and central sections, 21%. Tuscaloosa county, here included in the mineral counties, was now almost completely in sympathy with the Black Belt, being partly within that section and having, in 1830, a slave population of 35%. If Tuscaloosa be omitted from the mineral group of counties, the percentage of negroes in that section drops to 18.

[37] See the Sixth Census, 1840.

become distinctly and fundamentally a "plantation" State; this fertility of the soil coupled with a peculiarly favorable climate soon pointed the way to the cultivation of cotton on an extensive scale, almost to the complete exclusion of other agricultural endeavors; and the plantation system necessary to the highest development of the cotton cultivation demanded and obtained a large servile population. Hence, by the closing years of the Twenties the State had become definitely a "black" State, despite the opposition of an able and respectable group which vigorously and intelligently combatted the spread of slavery and the clinching of the "institution" on the State.[38]

And finally, in the Twenties, too, the basis for sectionalism within the State, economic, social, and political, was laid, partly by the divergent characteristics of the settlers; partly through the difficulties of intercommunication and exchange in a new and undeveloped State; partly by the nature of agricultural endeavor and the localization of the cotton producing plantations; and partly by the growth of slavery as an institution and its natural and consequent development in the great plantation districts.[39]

But as yet (1830) the sectional spirit had not openly manifested itself; and though the germs of difference and of opposition undeniably existed, the line of sectional hostility was not apparent so long as the apple of political discord had not been thrown into the lists.

[38] Birney, Life of Birney, 37-62, 90, 110-130; Petrie in South in the Building of the Nation, II, 282-83; Hodgson, Cradle of the Confederacy, 217-18 (Gov. Pickens on gradual emancipation); Southern History Asso., Publ., II, 92-93 (Emancipation societies in Alabama, 1827-1832); *Niles' Register*, XXXII, 100; *Huntsville Democrat*, Oct. 3, 1833; *Southern Advocate*, March 17, April 14, 27, 1826.

[39] *Southern Advocate*, Huntsville, March 17, April 14, 1826.

CHAPTER III

The Rise of Party Politics: 1827-1832

In the early years of the new State's activities, the sectional spirit in Alabama, due to these differences in the nativity and characteristics of the settlers, the nature of the country, the difficulties of intercommunication and interrelation, the forms of agriculture and industry, and the divergent social organizations in general, though clearly marked and easily recognized, exercised very little influence in developing party spirit or creating party hostility because of the general unity of a frontier community on certain fundamental points and because the exigencies of life in a comparatively new country called most of the population away from too great interest in political disputes.[1]

During this formative period, when the political ideas of the settlers were crystallizing, the "era of good feeling" held sway in the State as well as in the Union; and partisan strife in Alabama was small, or non-existent.[2] In this frontier State, all men, whatever their former creed or political allegiance, were united by mutual exposure to the difficulties and vicissitudes of the wilderness; and the stress of life in a new country did not permit that leisure out of which party differences were developed.[3] In the early gubernatorial elections, for example, there were contests, of course, but these turned almost entirely on the personality of the candidates; and no distinctive party divisions appeared nor any issues even of a local character, though partisan feeling was manifested in certain quarters.[4]

[1] Owen, Annals of Alabama, in Pickett. Hist. of Alabama, (Owen edition), 678-79; Petrie, in The South in the Building of the Nation, II, 276; *Huntsville Republican*, Sept. 15, 1820.

[2] *Alabama Republican*, Huntsville, Sept. 15, 1820; Petrie, in South in the Building of the Nation, II, 276; Riley, Hist. of Conecuh, Co., 100-101.

[3] Owen, Annals of Alabama, in Pickett, Hist. of Alabama, (Owen edition), 678-79.

[4] Id., 679; 649-50; Birney, Life of Birney, 40-41; Brewer, Alabama, 47-48; *Huntsville Alabamian*, June 21, 1822; *Alabama Republican*, Huntsville, Sept. 14, 1821. Cf. especially an editorial on *The Republican's* opposition to Pickens

Alabama was peculiarly grateful to Jackson and the recollection of his important services was dear to the people. For his work in the Creek war of 1812-13 and in the protection of the southern frontier he was looked on as the savior of the State; and throughout the Twenties "The General" was the only man commonly spoken of or advocated for the presidency.[5] Declaring that the choice of a president was "an event involving their dearest interests," the legislature, in 1823, nominated Jackson for that office, condemning at the same time by formal resolution the system of congressional nominations, or "King Caucus;"[6] and, over the protest of Governor Pickens,[7] sent these resolutions to the sister States. Similar resolutions were overwhelmingly adopted in 1830.[8]

Towards the close of the Twenties, when the actual process of settlement was well advanced, and the problems of a new State in the Union were fairly well on the road to adjustment, the people of the State began to evince a livelier interest in the great problems of the country and of the national life. Following the normal development, there was a marked differentiation of social and economic interests, and the central and southern portions of the State began even before 1830 gradually to be set off against the northern.[9]

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and the Cahaba Press's support of him, *Alabama Republican*, June 14, 1822. Hardly a candidate, even for a local office, failed to avow his support of and loyalty to General Jackson, Birney, Life of Birney, 40.

[5] *Niles' Register*, XXV, 323-324; Owen, Annals of Alabama, in Pickett, Hist. of Alabama (Owen edition), 678; Miller, Hist. of Alabama, 104. "In Alabama, the enthusiasm for Jackson was probably greater than in any other State of the Union; he had fought battles and won victories on its soil, he had protected the men, women and children of the State from massacre by the Indians." Birney, Life of Birney, 40-41. General Jackson owned a large amount of property in the State, being the possessor of a large and valuable plantation near Huntsville. He spent much time in the State in the early Twenties and many Alabamians looked on him in the light of a fellow-citizen. Cf. Governor Gayle's message, Nov. 5, 1832, Jol. Alabama Senate, called sess., 1832, 6-14.

[6] *Niles' Register*, XXV, 308, 323-324.

[7] Pickens, while he objected to the procedure, was not in opposition to Jackson. *Niles' Register*, XXV, 362.

[8] Id., XXXIX, 341. The vote in the House, Dec. 17, 1830, was 64 to 7.

[9] The newspapers of the State spoke habitually of "the South," and "the North," when referring to the two sections of Alabama. *Southern Advocate*, May 12, 1826; *Mobile Commercial Register*, n.d., quoted in *Southern Advo-*

But as yet all were of one party—though differences were developing in this party. In the predominantly "white," or non-slaveholding, counties, peopled largely by Tennesseeans and Georgians or under the influence of men from those States, the citizens were of the Jacksonian faith; in the "black" counties, on the other hand, Democracy of the Jeffersonian type prevailed, owing to the influence of Virginians and Carolinians.[10]

Despite this distinction, which, of course, did not prevail in every case, nearly all were before 1830 strict constructionists, especially when the Indian problem, slavery, the tariff question, the matter of public lands, or other relations of the State to the federal government were concerned.[11] Following the session of congress in 1827-28, however, and the tariff agitation, the people of Alabama were beginning to take sides with one or the other of the great political factions.[12]

Between 1826 and 1828, followers of Henry Clay in Alabama began slowly to coalesce into a party, united largely by personal affection for the great Whig leader rather than by a genuine support of the principles which he advocated. Moreover, the bitter hostility which a strong partisan inspires induced some to align themselves with this faction because of opposition to Andrew Jackson.[13] As

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cate, May 13, 1825, see also *Southern Advocate*, March 17, 1826, April 28 1826. Speaking of the appointment of ex-Governor Pickens, from "the South," to the seat in the United States Senate vacated by the death of Dr. Chambers, of Madison county, in "the North," a correspondent of the *Southern Advocate*, said in the issue of April 28, 1826: "We in the North are like a separate community from the South in respect to all our commercial intercourse, and though bound together by political ties, require as specific representation at Washington City as any two members of the Confederacy. Our interests are in many respects distinct from those of the South. . . " When the legislature met in November, 1826, a representative of "the North," John McKinley, of Lauderdale, was chosen for the remainder of the term. Brown, History of Alabama, 146.

[10] Owen, Annals of Alabama, in Pickett, Hist. of Alabama, (Owen edition) 647; Fleming, Civil War and Reconstruction in Alabama, 11.

[11] Hodgson, Cradle of the Confederacy, 230 fol.; Brown, Hist. of Alabama, 150-51; DuBose, Alabama Hist., 134.

[12] Miller, Hist. of Alabama, 107. Riley, Hist. of Conecuh Co., 103-104. Smith, Hist. of Pickens Co., 123.

[13] *Southern Advocate*, Huntsville, March 3, April 27, May 12, 1826.

yet, however, this group was not politically organized, for in 1829 Gabriel Moore, a Democrat and an outspoken friend of Jackson, was unopposed for the governorship.[14]

With the passage by congress of the famous tariff law of 1828, however, the spirit of partisan politics began for the first time definitely to express itself in the affairs of Alabama. At once the people of the State took sides,[15] and the overwhelming majority opposed the measure, considering such acts detrimental to the interests of the agricultural and particularly to the slaveholding States. The entire congressional delegation from Alabama voted against the Act of 1828.[16] In 1828 the general assembly joined the legislatures of South Carolina, North Carolina, and Virginia, in resolutions of protest against the tariff,[17] and this sentiment of opposition was reflected in public meetings throughout the State, and in the pro-Jackson press.[18] The encouragement of household manufactures in cooperation with other Southern agricultural States,[19] and a policy of virtual non-intercourse with the States favoring the tariff, even to the use of foreign goods rather than domestic met with the support of the predominant element.[20] The sentiment of the majority of the State was well expressed in the message of Governor Murphy in December, 1828—a message largely given up to a consideration of the tariff question and the objections thereto. The principal argument of the governor was that the tariff duties of 1828 would interfere seriously with the cotton trade

[14] *Niles' Register*, XXXVII, 2; Miller, Hist. of Alabama, 107.

[15] Owen, Annals of Alabama, in Pickett, Hist. of Alabama (Owen edition) 678.

[16] Brown, Hist. of Alabama, 151.

[17] Jan. 15, 1828, Acts of Alabama, 1827-28, 169-72; Senate Doc., 20th. Cong., i sess., III, no. 66; House Exec. Doc., III, no. 110.

[18] *The Alabama Journal*, of Montgomery, the *Register*, of Mobile, and other representative newspapers, voiced the displeasure of Alabama at the passage of the act of 1828, and at the general policy of protection. Cf. *Niles' Register*, XXXV, 259-60, (1828).

[19] *The Alabama Journal* and the *Mobile Register* pointed out, with satisfaction, the increasing use by the people of the State of wearing apparel, etc., of domestic manufacture. The governor and members of the legislature were reported to be carrying out the policy in person. *Niles' Register*, XXXV, 259-60.

[20] *Niles' Register*, XXXV, 83, (1828), with accounts of local meetings.

with foreign countries—on the ground that as the export of raw cotton had commonly been paid for by the importation of manufactured goods, the tariff duties might cause a virtual prohibition of these exports, and the trade would go elsewhere. He saw, however, that even were this to result, there would be compensatory advantages in the forced manufacture of cotton goods in America.[21]

Despite the general hostility to the tariff acts, evidences of support for the plans of Clay were not wanting. In the Black Belt and in the 'cotton' counties of the Tennessee Valley, expressions favorable to a trial at least of the system were frequent. Instead of threatening a dissolution of the Union, this party or group urged, why not let the tariff bill go into effect; and if it worked a hardship, the matter could then be adjusted. These men reprobated in severe language the inflammatory attitude of McDuffie and others of South Carolina in the discussions in that State and declared that when these men and their fellows and supporters in Alabama maintained that "the tariff must and will be resisted; that it will not be borne with; that it is useless to petition congress; and therefore—a convention of the Southern States should be called—" they put themselves in the position of the reprobated Hartford Convention;[22] and it was stoutly maintained that the tariff plan would not in fact prove detrimental to the interests of Alabama, when the necessary adjustments to conditions had been made.[23] As indicative of the changing sentiment of a part of the voters towards such action by the general government, the appearance, in 1828, of an electoral ticket avowedly favorable to the existing (Adams) administration was presented to the people. In view of the previous unanimity in the State for Jackson, this breach in the lines was especially significant. The composition of this electoral ticket, too, made up as it was of representative men from the great slave counties, was prophetic of the later political alignments.[24]

[21] *Niles' Register*, XXXV, 275-77.

[22] *Southern Advocate*, Huntsville, 1828, in *Niles' Register*, XXXV, 69.

[23] *Southern Advocate*, Oct. 1, 1828; *Niles' Register*, XXXV, 149.

[24] *Niles' Register*, XXXIV, 282, (June 28, 1828). On the ticket were John R. Witherspoon, of Greene, James Dellet, of Monroe, Anderson Crenshaw, of Butler—from the Black Belt section; James G. Birney, of Madison, and George Coulter, of Laudersdale—from the Tennessee Valley "cotton" counties. Most of these men were prominent later in the Whig party—Birney, a

This movement, that is, the approval of the tariff bills, was symptomatic rather than effectual. As a rule, the people of Alabama heartily disapproved of the measures and just as heartily applauded the opposition in other parts of the South. But the traditional Jacksonian sentiment in the State interposed at just this point. Dissatisfaction and disagreement with an act of congress and opposition and resistance to the authority of the government were different things. A wave of opposition to the doctrine of nullification advocated in South Carolina swept over the entire State, shared in by those who favored and those who opposed the tariff of 1828.[25] In the same message in which he had expressed his strong disapproval of the tariff bill, Governor Murphy declared that it was in no sense unconstitutional and advised the people of Alabama "to confide in the ordinary means of redress under the Constitution." "Let it ever be the boast of Alabama," he added, "that neither in manner or in matter did she contribute to it," [i.e., the interruption of the harmony of the Union].[26] In 1829 Gabriel Moore, an avowed supporter of Jackson, but opposed, to the tariff, was elected governor, as we have seen, without a contest. Reiterating the opposition of Alabama to the policy of the American system, he again assented in his last message to the legislature, November 18, 1831, to the constitutionality of the act, if the duties were uniform.[27]

Senator William R. King, possibly the most influential man at that time in the State, while admitting the oppressive operation of the tariff laws upon Alabama and the other cotton growing States,

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stout advocate of a protective tariff, however, (Birney, Life of Birney, 63) soon broke with Clay on the slavery question, (id. 171), and steadily maintained that he had never been a Whig in the party sense, (id., 96).

[25] *Niles' Register*, XXXV, 69; 149; 275-77. *The Alabama Advocate*, Huntsville, a strong opponent of the tariff bill yet a vigorous supporter of Clay, expressed its decided disapproval of the course of South Carolina. *Niles' Register*, XXXV, 69. "Why not, in short, in the very outset, of threatening a dissolution of the Union, let the law go into operation, and if its effects are injurious, they will be felt by the people who alone held the proper corrective in their hands."

[26] *Niles' Register*, XXXV, 275-77.

[27] *Niles' Register*, XLII, 315. Moore set out the doctrine of revolution in this message, denying the principle of nullification. "Having exhausted all the means known to the Constitution and consistent with the Union—in vain—

reprobated "the dangerous doctrine of nullification." Great as the evils of the protective system manifestly were, he maintained, in a letter to the people of Mobile in the spring of 1831, that it was the dictate of patriotism to resist these evils "in the manner pointed out by the Constitution."[28] All of the opponents of nullification in Alabama advised a resort to the judiciary in such cases.[29] The attitude of South Carolina and the position of Alabama in the crisis were matters of great interest in the gubernatorial campaign of 1831, though nullification cannot be said to have been the issue,[30] since each of the three candidates expressed his disapproval of South Carolina's position; but John Gayle, of Greene county, in the heart of the Black Belt, the successful candidate, was much more outspoken on this point than either of his competitors.[31] In his inaugural, Gayle quoted, with approval, a statement attributed to Patrick Henry that a State bore the same relation to the Union as

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a State may begin to calculate the value of the Union (a painful reflection to a heart that has always cherished a belief that its value is incalculable). It is now by reverting to the first principles of self-protection, the State may nullify the acts of Congress, by declaring them inoperative and void within its limits and set up for itself."

[28] *Niles' Register*, XL, 191.

[29] *Niles' Register*, XLI, 352.

[30] This campaign, in the summer of 1831, served clearly to exhibit the spirit and temper of the people of Alabama on various political matters then agitating the country. Brewer, Alabama, 501. With the exception of his tariff views, John Gayle was at one with the President. He opposed the continuation of the high protective tariff, the re-charter of the Bank of the United States, and internal improvements by the national government. Owen, Annals, 684. Nicholas Davis, Gayle's chief rival for the governorship, was one of the earliest opponents of Andrew Jackson in the State. Born in Hanover county, Virginia, in the district known as "the Slashes," he had been a schoolmate of Clay for a season and was ever an ardent supporter of the great Kentuckian. In the early Thirties, Davis was prominent in the organization of the party of opposition. Owen, Annals, in Pickett, Hist. of Alabama (Owen edition), 654-56. S. B. Moore, the third candidate, had been acting governor since the promotion of Governor Gabriel Moore to the federal Senate. He was a Jackson Democrat. Garrett, Reminiscences, 63; Brewer, Alabama, 500-501.

[31] *Alabama State Intelligencer*, Nov. 19, 1833; *Niles' Register*, XLI, 352. *The Planters' Gazette* called Gayle an uncompromising opponent of nullification and considered his election "a triumph of the principles of our forefathers over the new broached heresies of the disunionists of the day." *Niles' Register*, XLII, 18.

a county to the State.[32] And at the height of the controversy between South Carolina and the general government, he said, in a message to the legislature, November 5, 1832: "The opinion I expressed on a former occasion remains unchanged. Whenever a State shall venture on this deplorable experiment, she will soon find that she will have to abandon the Union, or return to it with feelings of disappointment and humiliation. If it shall be recognized as the true constitutional doctrine, that a State can remain a member of the Union and at the same time place her citizens beyond the reach of its laws, ours will not be the shadow of a government, and for all practical purposes it will be dissolved. But the strife and dissension which have been produced by the persevering efforts of the advocates of this doctrine, to gain for it the favorable opinion of the people, have been carried to such excesses, that it is already growing into an evil not less to be deprecated than the tariff itself. . . . As sure as it shall succeed, its triumphs will be stained with fraternal blood, and the proudest of its trophies will be the destruction of constitutional liberty."[33] And the general assembly, by the adoption of resolutions introduced by Ormond, a representative from Lawrence, in the Tennessee Valley, declared "That nullification, which some of our southern brethren recommend as the constitutional remedy for the evils under which we labor, is unsound in theory and dangerous in practice; that as a remedy, it is unconstitutional and essentially revolutionary, leading in its consequence to anarchy and civil discord, and finally to the disruption of the Union." The resolutions were adopted in the House by a vote of 46 to 16, and the alignment was taken as a test of the relative

[32] *Niles' Register*, XLI, 352. Yet under the Constitution, he said, "our domestic and internal concerns were to be left to the management of the States." In this Gayle found justification, as well as a convenient loophole, in his later controversy with the general government. And this vigorous attitude in 1832 is, therefore, the more striking and significant because of his position in 1833 on the relations of the State and the general government. Cf. *Southern Advocate*, Huntsville, Jan. 26, 1833.

[33] *Mobile Register*, Dec. 6, 1833; *Niles' Register*, XLIII, 220; McCorvey, Mission of Francis Scott Key to Alabama, 1830, in Ala. Hist. Soc., Pub., IV, 155. *Southern Advocate*, Huntsville, Nov. 17, 1832; for Gayle's message of Nov. 5, 1832, see Jol. Alabama Senate, called sess., 1832, 6-14.

strength of the Union and nullification elements in the legislature.[34]

As late as the end of 1832, anti-protective tariff meetings were being held throughout the State; many suggestions were made looking to the calling of a State convention as a preparatory movement to a Southern convention,[35] the general assembly passed vigorous resolutions proposing the calling of a federal convention;[36] yet with all the opposition lasting over a period of more than four years and with all the excitement, nullification as a remedy was definitely and utterly rejected by the majority of the people of Alabama. But though the voice of Alabama was yet loud in its acclaim of the Union and of Jackson, discordant notes were struck; there was a perceptible rift in the political lute. The old Democratic party had been divided. The "old line" or regular branch was strengthened, through its difficulties, in its Union proclivities and in its adherence to and support of Jackson's principles; but a strong faction had appeared, hostile to the "old Hero" and ardent in its support of the nullification theories of Calhoun and South Carolina. This group, composed of many of the first men in the State for independence and weight of character, coming now to be called the States Rights school par excellence, or the Calhoun Democracy, was naturally predominantly influenced by leaders of South Carolina lineage, graduates, in many cases, of the old South Carolina College—such men as James M. Calhoun, of Dallas, and Dixon H. Lewis, of Montgomery and Lowndes counties.[37] On the other hand, as a foil to these extreme States Rights men, the presence in Alabama of a group of strong men of pronounced Union proclivities, men who had played an important part in the States from which they came, exerted a determining influence on certain sections and on party principles. In the new political alignments which were

[34] Exec. Doc., 22 Cong., 2nd sess., III, no. 141; State Papers on Nullification, 219-23; Ames, State Documents on Federal Relations, IV, 49; *Huntsville Democrat*, Jan. 23, 1834; See report of the Committee in *Southern Advocate*, Dec. 22, 1832.

[35] *Niles' Register*, XLIII, 194, with accounts of various meetings.

[36] January 12, 1833. Cf. State Papers on Nullification, 219-23; Exec. Doc., 22 Cong., 2 sess., III, no. 141. Cf. also *Niles' Register*, XLII, 352; XLIII, 220,

[37] James M. Calhoun, a nephew of John C. Calhoun, was born in Abbeville district, South Carolina, graduated at South Carolina College in 1826, and came the following year to Alabama. From 1833 to the secession of the State, he was a leader of his party, being a member of the general assembly most of the time.

then forming, men of this character easily took a foremost position, and frequently, by mere force of their personality, determined the course of political events and developments. In this group were such men, for example, as William R. King, of Dallas county, a graduate of the University of North Carolina, who came to Alabama in 1819, after six years of service as a representative from his native State in congress, and was throughout his long career the leader of the regular Democracy in Alabama;[38] Judge William Smith, of Madison county, a South Carolinian who represented his native State in the lower and upper houses of congress for many years, and who came to Alabama because of his dissatisfaction over the direction political affairs were taking in South Carolina under the leadership of Calhoun;[39] and Dr. David Moore, of Madison county, a Virginian, who had been a personal friend and intimate of Jackson during a residence of several years in Tennessee.[40]

Moreover, the opponents of the old party, men who by sympathy or antecedents were aligned with the National Republicans, had begun, by 1830 or before, to coalesce into an organized political group, leadership in which commonly fell to men of Virginian and North Carolinian stock, buttressed up by sundry able politicians from the northern states traditionally opposed to the party which

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Calhoun was a man of stainless integrity, unswerving fidelity, and keen sagacity, and his power in the State was large. Garrett, Reminiscences, 288-289; Brewer, Alabama, 218.

Dixon Hall Lewis, the acknowledged leader of the States Rights men in Alabama from 1832 to his death in 1848, was born in Georgia, but was educated at South Carolina College and came to Alabama soon after his graduation. Almost at once he became prominent in the political life of the State. In 1825, 1826, and 1827, he was a member of the general assembly; in 1829, at the age of 27, he was elected a representative in Congress and remained in the House until his transfer to the Senate in 1844. He was a firm friend and supporter of John C. Calhoun and from the beginning of his career, an opponent of Andrew Jackson. Garrett, Reminiscences, 471-475; Brewer, Alabama, 330-331; Southern Hist. Assoc., Publ., VII, 161-162.

[38] Garrett, Reminiscences, 675; Brewer, Alabama, 211-212.

[39] Judge Smith was a boyhood friend of Andrew Jackson and of William H. Crawford and an uncomprising opponent of Calhoun throughout his life. In 1837 Jackson appointed Smith an associate justice of the United States Supreme Court, which he, however, declined. Garrett, Reminiscences, 113-14; Brewer, Alabama, 360.

[40] Garrett, Reminiscences, 188; Brewer, Alabama, 535

revolved around Jackson. The cohesive factors in this group or party were, on the one hand, a warm admiration for Henry Clay and a growing antipathy for Andrew Jackson, and on the other, the spirit of internal improvements by the federal government, a lukewarm support of a national bank, a lack of rabid fear of a protective tariff, and a desire to still the slavery agitation for the benefit of the slaveowners. As this party developed, the ideas of the national party exerted less and less influence on its thinking and the northern men in the party came more and more into harmony with the southern men. The Whigs of Alabama were never in any direct sense supporters, for example, of the protective system. When the party became the political representative of the large slaveowners, the notion was commonly held that the cotton men were and could be little affected by a protective tariff.

It is very significant, especially from the standpoint of the development of political sectionalism in the State, that, as a general rule, in the Democratic party, the influence of men from Virginia and North Carolina was for the Union, in this period of the late Twenties and early Thirties, while opposition to the central government came largely from men of Georgian and South Carolinian birth or ancestry.

With increasing prosperity and an established social position, the conservative spirit grew naturally and rapidly among the slaveowners and wealthy planters; and early in the Thirties, these men became Whigs in politics and ardent supporters of Henry Clay —without, however, accepting all the political and economic philosophy of Clay and his party. Very early in the decade, too, the ultra democratic attitude of the Jackson men began to be distasteful to the developing aristocratic sentiment on the plantations. In this section where cotton was king and the large plantation was the predominant economic institution, it was natural for the Whig party to develop its greatest strength. In Alabama it rapidly became the "broadcloth" party, the party of the wealthier and more cultivated people, for Whiggery appealed to the patriarchal instincts of the great plantation overlords.

These men of the cotton lands believed in internal improvements[41] and in a banking system which would favor their peculiar

[41] *Southern Advocate*, Huntsville, April 13, 1827, Oct. 14, 1825, May 19, 1826, *Mobile Commercial Register*, n.d., in *Southern Advocate*, Oct. 14, 1825.

interests.[42] The high tariff ideas of the national Whig party played little part in their political thinking. Their chief concern was to have easy access to the markets for their cotton and a financial system to which they might readily and confidently look for the money necessary to finance their operations from one cotton crop to another.[43] The basis, therefore, of the strength of the Whig party in Alabama was clearly economic and sectional.

With the exception of a few counties in the Tennessee Valley, northern Alabama was not favorable to the production of cotton on a large scale and hence the ownership of slaves in large numbers was not particularly profitable. The plantation system was not extensively employed, the section being given over largely to the small farmer. The poorer white people settled on the cheaper and less fertile lands of the northern, eastern, and southeastern sections, though, of course, settlements of this class were found, as we have seen, in the heavily "black" or slaveholding counties. As time went on, these people were increasingly hostile to the negro, and wished he might be definitely out of the way; but they were not in favor of emancipation, a free negro being an object of the supremest detestation to a member of this class. Under such conditions, Jeffersonian "levelling" ideas prevailed; and in the popular vote in northern Alabama the majority for the Democratic party was increasing year by year[44]—partly because of political belief, partly because of the spirit of sectional hostility to the people of the southern and southwestern portions of the State. To a very marked extent, the owners of slaves in the few "cotton counties" in the Tennessee Valley gradually aligned themselves with the predominant element, politically speaking, in the northern section, despite their differences in economic and social position.[45] Both parties favored national expansion in the southwest; and on the slavery question, when it became acute, the Democrats were at first in

[42] *Southern Advocate*, Huntsville, June 2, 1826, fol.

[43] Cf. Cole, Whig Party in the South, 25-26.

[44] Fleming, Civil War and Reconstruction in Alabama, 11.

[45] Yet the Whig party in northern Alabama was respectable in point of numbers and notable in political ability. Leadership of the party in the State frequently fell to men from northern counties, as in the case of Arthur F. Hopkins and Nicholas Davis, for example. The same thing was true, of course, of the Democratic party in the Whiggish "South." Cf. the case of William R.

advance of the Whigs in their opposition to the abolition crusade,[46] but the presence of an overwhelming negro population in the Black Belt soon brought the Whigs forward and they distanced their Democratic opponents in advocating protection for the slave power and the suppression of the abolitionists.[47]

The question of internal improvements had become, by 1830, an issue between the Jackson men and those who were aligning themselves with Clay. From the beginning of statehood, the necessity for internal improvements in a new and growing state had been plainly recognized;[48] and this was especially marked by the plans to construct a canal around the Muscle Shoals, an obstruction to navigation on the Tennessee, and to connect this river with Mobile by means of canalized rivers running through the length of the State on the western border, in order to divert the products of the Tennessee Valley from New Orleans to Mobile and to reduce the price of commodities throughout the western, or thickly settled, portion of the State by means of more ready access.[49] When it became apparent that the unity of the State was being endangered by the growth of sectional feeling and sectional hostility, many urged the rapid development of works of internal improvement in order that, by

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King, the leading Democrat of the State for thirty years—a resident of Dallas, in the very heart of the Black Belt. Cf., also, Howell Rose, a strong Union Democrat and supporter of Jackson, who lived in Antanga, a Black Belt County. Garrett, Reminiscences, 377-80, 341-42, 675, 367-68; Brewer, Alabama, 403, 321, 211, 239.

[46] Yet each party habitually taunted the other on its supposed affiliation with abolitionists in the respective national organizations.

[47] *Tuscaloosa Monitor*, Jan. 1, Jan. 5, 1842.

[48] Cf. message of Governor W. W. Bibb, Jan. 20, 1828, in *Niles' Register*, XIV, 44-45; *Southern Advocate*, Huntsville, Oct. 14, 1825, Jan. 13, 1826, April 13, 1827. Message of Governor Thomas Bibb, Nov. 19, 1820, in *Huntsville Republican*, Nov. 24, 1820.

[49] *Southern Advocate*, Huntsville, Nov. 18, Dec. 9, 1825, May 19, Sept. 29, Oct. 20, Nov. 3, 1826; *Florence Gazette*, May 11, 1826; *Alabama Republican*, Huntsville, Feb. 15, 1822. As early as 1822, Senator William R. King presented a memorial from the legislature of Alabama to the Congress of the United States in regard to federal aid in connecting the waters of the Tennessee and Alabama. *Alabama Republican*, Huntsville, Feb. 15, 1822. Cf. Acts of the Alabama legislature, 1826, in regard to a Muscle Shoals canal, and a similar movement in the Congress of the United States for a survey of a canal from the Tennessee to the Alabama. *Southern Advocate*, Huntsville, March 23, 1827.

intercommunication and interrelation, this evil might be avoided or abated.[50] By 1830, however, when the Democratic party under the leadership of Jackson had definitely set itself against internal improvements in the states by the federal government, the Democracy of Alabama, then rigidly States Rights, began to oppose the movement.[51] More than that, it was now apparent, in Alabama, that such efforts on the part of the general government would aid the planters of the cotton regions more than the people throughout the rest of the State among whom the strength of the Jacksonians lay; and the rising spirit of sectionalism entered in, inasmuch as the cotton planters were already setting themselves off not only economically but politically as well. The Whigs were, of course, favorable to such measures, both by principle and by self-interest.[52]

Owing to the system of State banking which had been accepted with practical unanimity by the people of the State from the time of the organization of a territorial government, a principle which was embodied in the Constitution of 1819,[53] there was opposition on the part of a large proportion of the people to the entrance of the Bank of the United States into the financial affairs of Alabama by the establishment of a branch in the State. The strong Jackson sentiment in the State of course operated to foster this hostility to the national institution, at a somewhat later date. In 1826, when it appeared that, owing to the insistent demands of the commercial interests of Mobile and the southern portion of the State,[54] the directors of the Bank were planning to establish a branch in

[50] *Tuscumbia Patriot*, June 16, 1827; *Niles' Register*, XXXVII, 328, XXXVI, 168, XXXIX, 317-18; Petrie, in South in the Building of the Nation, II, 274.

[51] Cf. resolutions in Alabama House of Representatives commending Jackson's action in vetoing the Maysville Road Bill and others of like character requiring appropriations from the Treasury of the United States for local objects of internal improvements, Dec. 17, 1830. *Niles' Register*, XXXIX, 241.

[52] *Southern Advocate*, Huntsville, a Whig paper, quoted in *Niles' Register*, XXXI, 179. Cf. resolutions of a mass-meeting in Mobile, dominated by supporters of Henry Clay, requesting appropriations from Congress for internal improvements in Alabama and asserting the desire of the people for such action as a principle and a policy. *Niles' Register*, XXXIX, 317-18.

[53] Brewer, Alabama, 46; Petrie, in South in the Building of the Nation, II, 278-79; Brown, Hist. of Alabama, 144-145; DuBose, Alabama Hist., 114 fol.

[54] *Niles' Register*, XXXII, 124; *Southern Advocate*, Huntsville, June 16, 1826.

Mobile,[55] Governor Murphy seriously considered the advisability of summoning the legislature in special session to determine whether such action should be permitted,[56] and he protested vigorously, in a letter to Biddle and the directors of the Bank against the contemplated action.[57]

The waning, to a certain degree, of the Jackson strength in the State following the discussions of the early Thirties and the rise of the Whig element weakened to a considerable extent the hostility of the people of Alabama to the Bank; and on the subject of the recharter of that institution, when it became acute, the sentiment of Alabama was divided. But the supporters of the Bank were not so outspoken as were its opponents; and the State appeared to the rest of the Union to be almost solid in its support of Jackson in his war on the Bank. The chief opposition to the Bank was found in the Democratic strongholds of the northern sections of the State, while the southern sections, the territory of the great cotton barons were, if not actually lined up in support, certainly not violent in their opposition.[58]

Therefore, insofar as outward political manifestations went, Alabama in the first stages of its political activity was exhibiting, in harmony with its western characteristics, distinct support to Andrew Jackson and to the party which he led. This support was manifested on every question at issue—on the Indian question, as shown in its attitude towards Georgia in 1825-27; in the nullification difficulty with South Carolina; in its opposition to the rechartering of the Bank of the United States; in its attitude on internal improvements by the general government within the States. Alabama's electoral strength had been given unanimously and without much opposition to Jackson in each of his three campaigns for the presidency; and after his election, men favorable to his policies in general had been kept steadily in Congress.

[55] *Southern Advocate,* June 2, 1826; *Mobile Register,* n.d., in *Southern Advocate,* July 7, 1826.

[56] *Niles' Register,* XXX, 449; *Southern Advocate,* Huntsville, Sept. 9, 1826; *New York Enquirer,* Aug. 15, 1826, quoted in *The Advocate,* Sept. 9.

[57] *Niles' Register,* XXXII, 124-25.

[58] *Southern Advocate,* Huntsville, March 4, 25, June 24, July 1, 15, 22, 29, 1834; Jan. 1, 1835; March 3, 1835; *Flag of the Union,* Jan. 29, 1834 fol.; Message of Gov. Murphy, Nov. 18, 1831, in *Niles' Register,* XLII, 315; XXX, 449.

Yet on all public questions opposition among a certain part of the people of Alabama was not wanting. Outside of the Democratic or predominant party, a group, held together largely in the beginning by loyalty to Clay and hostility to Jackson, was being rapidly organized by astute leadership into a cohesive whole—the nucleus of the powerful Whig party of Alabama; and this group was beginning, early in the Thirties, to draw into its lines the aristocratic and conservative elements in the new State, especially in the "cotton" counties of the Black Belt and the Tennessee Valley. In the Democratic party itself, a faction, under the influence of Calhoun and the South Carolina school of political thought, tended to split off from the old line element. These men were becoming solidified into the "States Rights" party or group, and though they acted with the regular Democracy in many cases, yet they were liable at any moment to rebel and, in alliance with the Whigs, to oppose their old party associates. The chief strength of this group was exhibited in the Black Belt, in the old Jeffersonian element of the Democratic-Republican party of the Twenties. The strength of the regular or "old line" Democracy was now concentrating itself in the northern and central portions of the State, among the small farmers and in the towns—though, of course, there were yet and continued to be many adherents of the party in the cotton plantation class. And leadership in the party fell very largely to men of that class and of that section.

This differentiation of parties was stressed and the lines of cleavage emphasized by a difference of opinion which now arose in Alabama on the problem of the relation of the State to the federal government; and curiously enough, this issue arose on one of the very points by which Jackson had won and held the Southwest and in respect to which Alabama had previously supported him most stoutly. The first great defection in Alabama came on the question of the Indian policy of the federal government.

CHAPTER IV

Alabama and the Federal Government

The Creek Indian Controversy[1]

During the struggle between Jackson and South Carolina over the tariff and nullification, the State administration and the predominant political element in Alabama had given a wholehearted support to the President in the course he was pursuing, though a strong faction under the leadership of Dixon H. Lewis, James M. Calhoun, and others, forming the "States Rights School," offered a vigorous but seemingly ineffectual opposition.[2] The State was prompt in disavowing any sympathy with the theory of nullification, and the general assembly of 1832–33, in the Ormond resolutions, vigorously denounced South Carolina's attitude on that question.[3] During the controversy, John Gayle, a violent opponent of the doctrine of multification and a lifelong supporter of Jackson, was at the political helm, having been elected governor in the summer of 1831. Probably no State was more loyal, in 1832, to the President, or more earnest in its support in general than was Alabama.[4]

The affection of Alabama for General Jackson and the unwavering support which the State had given him in his political aspirations were inspired by gratitude and by the western spirit of which he was the chief exponent; it rested particularly on his attitude

[1] This chapter, substantially as here presented, appeared in the Mississippi Valley Historica[1] Review, Vol. III, No. 3, Dec., 1916, 301-317.

[2] Ante, p. 29.

[3] Journal of the Senate of Alabama, called sess., 1832, 6-14; Exec. Doc., House of Rep., 22 Cong., 2 sess., III, No. 141; State Papers on Nullification, 219-232; Ames, State Doc. on Fed. Relations, IV, 49; *Huntsville Democrat*, Jan. 23, 1834; *Mobile Register*, Dec. 6, 1833; *Southern Advocate*, Huntsville, Nov. 17, Dec. 22, 1832; *Niles' Register*, XLIII, 43, 220; *Alabama State Intelligencer*, extra number, n.d. [December, 1833], containing message of Governor Gayle of November 19, 1833; for this message, cf. also Gayle Mss.

[4] Ante, p. 35.

toward Indian affairs. Yet, despite these circumstances, it was on the very rock of an Indian question that a goodly portion of the Jackson supporters in Alabama broke away from his banner.

In 1830, despite numerous and extensive cessions, approximately one-fourth of the territory embraced in the State of Alabama was still in the possession and occupancy of the four great tribes of the southwest, the Chickasaw, the Choctaw, the Cherokee, and the Creeks.[5] The presence of the Indians[6] was a source of constant friction,[7] and their occupation of some 12,000 square miles of valuable land a detriment to the material advancement of the growing state.[8] As the settlers in ever increasing numbers poured

[5] Darby and Dwight, New Gazetteer of the United States, 13; Morse, Report on Indian Affairs, 33, 146, 152, 182, 200; Brewer, Alabama, 34-36; Miller, Hist. of Alabama, 101 fol.

[6] In 1830, according to the estimate of the War Department, the Indians of Alabama numbered about 20,000, most of them being Creeks. *Niles' Register*, XXXVI, 132; XL, 280.

[7] On March 6, 1830, two years prior to the treaty of Cusseta, President Jackson issued a proclamation against squatters in the Creek country; and the United States marshal, in accordance with the act of congress of March 3, 1807, was authorized to remove any such intruders, using military force if necessary. Id., XXXVIII, 99. Soon after this a grand jury in Pike, a county adjoining the Creek nation, asserted that the territory was under the jurisdiction of Alabama by act of the general assembly of 1829, and indicted an officer of the United States for ordering settlers out of the section. Id. XXXVIII, 203, 204. For some reason the issue was not joined. In October, 1828, a public meeting in Montgomery protested against the support given to the Creeks in the territory of Alabama on the ground that it was "founded in usurpation" and unconstitutional; and resolutions were adopted asserting that Alabama as a sovereign state had exclusive jurisdiction over all territory and all peoples within her boundaries. The meeting urged the general assembly to provide immediately for the division of the Indian country into counties. The spirit of the meeting was well shown by the appointment of a "committee of correspondence" to keep up communication with different parts of the state. Id., XXXV, 123. In 1829, Chief Justice Marshall had fully examined the character and extent of the Indian right to the soil, and had decided that the right was that of occupancy alone, and that the ultimate title was in the government. The decision maintained, however, that this right of occupancy was absolute, and could be divested only by contract. *Johnston* v. *McIntosh, 8 Wheaton*, 543.

[8] *Niles' Register*, XXXVII, 12, 13; Cf. message of Governor Murphy, dated January 1, 1826, in *Southern Advocate*, Huntsville, Jan. 27, 1826, and that of Governor Pickens, dated November 21, 1825, in id., Dec. 9, 1825, and June 9, 1826.

in, the desires of the newcomers soon reached out after the lands still in the occupancy of the few remaining red men; and the demands on the Federal government for the complete removal of all the Indians from the territory of the state increased.[9] Agitation for relief culminated in the treaty of Dancing Rabbit creek, 1830, for the removal of the Choctaw; in the treaty of Cusseta, 1832, for the removal of the Creeks; and in the treaty of New Echota, 1835, for the removal of the remaining Cherokee.[10]

Out of the questions raised by the treaty with the Creeks at Cusseta, a grave controversy developed between the State and the Federal government. The treaty provided that the Creek tribe of Indians cede to the United States all their lands east of the Mississippi river. Lands were granted to the Indians for a new home in the west; it was expressly provided, however, that the Indians should not be compelled to migrate, but that they might if they so desired remain in the ceded territory. The immediate cause for the threatened breach grew out of the fifth article of the treaty.[11] This provided for the removal by the federal authorities[12] of all white

[9] C. C. Clay to Secretary of War Cass, Oct. 8, 1833, in *Southern Advocate*, Huntsville, Nov. 11, 1833; Petrie, in South in the Building of the Nation, II, 277. A similar movement was going on in Georgia, 1825-27, which had great influence on sentiment in Alabama. Ames, State Doc. on Fed. Relations, III, 25 fol.

[10] U. S. Stat. at Large, VII, 478-486; *Niles' Register*, XLII, 116, 117.

[11] Article 5 read: "All intruders on the country hereby ceded shall be removed therefrom in the same manner as intruders may be removed by law from other public lands, until the country is surveyed and the selections made; excepting however from this provision those white persons who have made their own improvements, and not expelled the Creeks from theirs. Such persons may remain until their crops are gathered. After the country is surveyed and the selections made, this article shall not operate on that part of it not included in such selections. But intruders shall, in the manner above described, be removed from the selections for the term of five years from the ratification of this treaty, or until the same are conveyed to white persons." *Niles' Register*, XLII, 116, 117; U. S. Stat. at Large, VII, 478-486.

[12] In the manner prescribed by the act of March 3, 1807. This act provides for the interposition of the United States marshal and the employment of the military forces of the United States, under the orders of the president; it furnished the authority by virtue of which the proceedings in Alabama in relation to this subject took place. Hodgson, Cradle of the Confederacy, 180; Cass to Gayle, Sept. 5, 1833, in *Southern Advocate*, Huntsville, Oct. 15, 1833.

intruders until the country was surveyed, except that those who had planted crops in the territory, without injury to the Creeks, were to be permitted to remain until these crops were gathered. In the light of human nature, such a provision was worse than useless. Not only did the settlers already established refuse to move, even when their crops had been gathered[13] but immediately there was a rush into the new lands by settlers from other portions of the State.[14] This movement began as soon as the treaty had been signed and before the formal assertion, by act of the general assembly, of the State's authority over the ceded lands. Therefore, when the United States marshal supported by troops from Fort Mitchell attempted, in August, 1832, to carry the terms of the treaty into effect by ordering the squatters to withdraw, there was a clash.[15] A few months later, the jurisdictional rights of the State were asserted by the general assembly, and nine counties were created in the old territory of the Creek nation.[16] The State authorities urged that the extension of State control over the ceded territory was authorized and encouraged by the general government.[17] The governor asserted, further, in justification of the act of the legislature in creating the counties, that the sovereignty of a State implied the control of all the people within its borders; that the act of cession destroyed the Creek nation and rendered the individual Indians subject to the same control as other residents; and that the expulsion of the settlers implied the expulsion of the State and county

[13] Cass to Gayle, Sept. 5, 1833, in *Southern Advocate*, Oct. 15, 1833.

[14] *Huntsville Democrat*, Nov. 14, 1833; *Tuscaloosa Expositor*, n.d., in id.

[15] Austill, deputy marshal, to Gayle, Nov. 17, 1832; Gayle to Austill, Nov. 26, 1832, in Gayle manuscripts belonging to Dr. Thomas M. Owen; *Montgomery Gazette*, Aug. 31, 1832; *Niles' Register*, XLIII, 22; Petrie, in The South in the Building of the Nation, II, 277; McCorvey, The Mission of Francis Scott Key to Alabama in 1833, in Alabama Hist. Soc., Trans., IV, 146.

[16] Act approved December 18, 1832.

[17] "The right of the State of Alabama to extend its jurisdiction over the district in question is fully admitted." Cass to Gayle, October 22, 1833, in *Washington Globe*, October 26, 1833, and in *Southern Advocate*, November 11, 1833; *Niles' Register*, XLV, 155; message of Gayle to the general assembly, November 11, 1833; Hodgson, Cradle of the Confederacy, 188-190. See note on Hodgson in the bibliography.

officials, rendering nugatory all efforts at the enforcement of the laws in the territory.[18]

Despite the earlier clash, in the summer of 1832, the whole question was in a sense in abeyance from the meeting of the legislature in December, 1832, until the following summer. The trouble then broke out anew. In August, in a conflict between Hardeman Owens, a petty official of Russell county (one of the counties created in the former Creek nation) and federal troops under the direction of the United States marshal,[19] Owens was killed.[20] This action together with other incursions made into the disputed territory by the troops, kindled "an excitement that was rapidly extended over the whole of the new counties, and in some degree throughout the State."[21] Meetings of the people were held, vigorous resolutions of protest were passed, and it seemed that the citizens of the State would attempt forcibly to resist the marshal and the United States troops.[22] Gayle followed his vigorous protest of August 26 to Cass[23] with a more pacific note, and issued a proclamation, dated October 7, 1833, to the excited inhabitants of the new counties

[18] Message of Gayle, November 19, 1833, in *Alabama State Intelligencer*, extra, n.d. [December, 1830]; see also McCorvey, The Mission of Francis Scott Key to Alabama in 1833," in Alabama Historical Society, Transactions, IV:147.

[19] Under the power granted in the constitution over public territory and in accordance with the act of congress of March 3, 1807, the president, through the secretary of war, had issued orders in September, 1832, for the removal of all intruders on the Indian lands, following the stipulations of the treaty of Cusseta; and it was under these orders that the marshal was acting. Niles' Register, XLV: 144; *Huntsville Democrat*, January 23, 1834.

[20] Niles' Register, XLV: 7, 37, 140, 159, 160, 290.

[21] Message of Gayle, November 19, 1833, in the *Alabama State Intelligencer*, extra, n.d. [December, 1833]; *Huntsville Democrat*, October 24, November 7, 1833; Gayle to Crawford, August 20, 1833, in Gayle manuscripts.

[22] *Southern Advocate*, October 29, 1833. See Niles' Register, XLV: 123, for the meeting at Hayneville, Lowndes county (not in the Indian country), on September 28, 1833, in which it was declared that "the removal of our citizens from their settlements by force is unconstitutional, oppressive, and utterly subversive of the sovereignty of the State, and we cannot and will not submit to it." See also the meetings in the Indian country, in Talladega county, Macon county, and others, in October. *Id.*, 45: 160.

[23] Hodgson, Cradle of the Confederacy, 187 fol.

counselling quiet, order, and a strict observance of the laws.[24] Gayle did not fail, though, even in his pacific proclamation, to insist that the action of the federal authorities was "a palpable and indefensible invasion of the acknowledged rights of this State, and in its tendency, utterly subversive of our free and happy form of government."[25] And sundry other phrases, taken in conjunction with previous statements and actions of the governor, were interpreted by the supporters of the President in Alabama as plainly encouraging forcible resistance to any attempts at removal on the part of the United States marshal.[26]

By these means and by other conciliatory measures, however, danger of a further physical collision between the settlers and the Federal officials was averted.[27] The officers and soldiers responsible for the death of Owens were indicated by the Russell county grand jury;[28] and demand was made on the commanding officer at Fort Mitchell for their delivery into the hands of the State;[29] but by fortuitous means, the case was never brought to an issue.[30]

The underlying principle of the State's contention was, first, that the constitution did not confer on the general government power to make treaties in derogation of the right of the State to

[24] See *Niles' Register*, XLV: 144, where the proclamation is given in full; *Alabama State Intelligencer*, extra, n.d. [December, 1833].

[25] Message of November 19, 1833, in id.

[26] See editorial in the anti-Gayle paper, *Huntsville Democrat*, January 23, 1834. Public meetings were held in which "lives, fortunes, and sacred honor" were pledged to help Gayle, if needed. *Southern Advocate*, October 29, 1833.

[27] Hodgson, Cradle of the Confederacy, 202; Gayle to Elliott, the sheriff of Russell county, September 24, 1833, Gayle to Curry, and Gayle to Crawford, August 20, 1833, in Gayle manuscripts.

[28] McCorvey, The Mission of Francis Scott Key to Alabama in 1833, in Alabama Historical Society, Transactions, IV: 150.

[29] Pickett, solicitor, to Major McIntosh, October 14, 1833, in *Southern Advocate*, November 5, 1833; *Alabama State Intelligencer*, October 26, 1833.

[30] "A Gordian knot has been cut! The soldier who killed Owens in Alabama has deserted, and the officer who commanded has given bond for his appearance in court." *Niles' Register*, XLV: 291. The bond of the officer was forfeited, after the larger issue had been settled. McCorvey, The Mission of Francis Scott Key to Alabama in 1833, in Alabama Historical Society, Transactions, IV, 151, note.

complete territorial jurisdiction within its limits;[31] and, second, that the mode of procedure in the removal of intruders from the public lands provided by act of congress, March 3, 1807—the authority under which the proceedings in Alabama occurred—did not apply to intruders upon lands lying within the boundaries of any State, but was applicable only in territory where no State government had been established.[32] Georgia had assumed the same position in 1825-1827.[33]

Furthermore, it was urged that the succession of acts, running over a period of thirty years, conferring upon settlers the right of preemption to unoccupied lands, covered the case of settlers upon the vacant lands handed over by the Creeks, but not in actual occupation. This was a position taken, of course, only after the treaty of Cusseta had been consummated, and the lands in the Creek nation had been transferred to the United States under certain restrictions as to specific grants.[34] This latter contention was accepted by the secretary of war at the very beginning of the controversy, provided there was no interference with the Indian rights guaranteed by the treaty. To the inquiries of certain members of the Alabama delegation to congress, early in December, 1832, Cass had replied that the government desired to evade all unnecessary severity towards citizens who had located on any part of the ceded territory; but that it certainly would keep its faith and fulfill its compacts under the treaty. Further, the secretary wrote: "Taking into view the fact that the season for agricultural labor will not arrive for some time, that the surveys are nearly completed, and that as soon as they are received the locations of the individual reservations will be made, another tract selected for each will be

[31] Gayle to Cass, October 2, 1833, in *Southern Advocate*, October 15, 1833; Hodgson, Cradle of the Confederacy, 183.

[32] *Id.*

[33] Ames, State Documents on Federal Relations, III, 25 fol., see also Phillips, Georgia and State Rights. See also the instructions of the commissioner of Indian affairs to Colonel Josiah Harmar, directing Harmar, who was engaged in removing intruders from Indian lands, to employ military force in ejecting settlers on United States lands only when such lands were "not within the limits of any State." Hodgson, Cradle of the Confederacy, 181; *Huntsville Democrat*, November 28, 1833.

[34] Gayle to Cass, October 2, 1833, in *Southern Advocate*, October 15, 1833; Hodgson, Cradle of the Confederacy, 181, 182.

assigned and delivered to him, I do not see that any injury would result to the Indians by permitting these persons who had obtained peaceable possession of the land on which they live, and do not retain it to the exclusion of any Indian, justly entitled to it, to occupy these tracts till the several selections are made. If however, any of them are selected for the Indians, it will be expected that the occupants relinquish possession within thirty days after such selection is made. This arrangement seems to me to be an equitable one, and I trust will be satisfactory to all persons interested in the subject. I hope, further, that after the locations are made, quick possession will be relinquished to the Indians, so that the government will not be compelled to resort for that purpose to measures which I am anxious to avoid."[35] Similar replies were sent to Senator Gabriel Moore and to certain residents of Pike county, adjoining the Creek country.[36]

Gayle and his supporters, relying on these letters of the secretary of war, placed the entire responsibility for the condition of affairs on the federal government. The letters of Cass were before the general assembly when the act creating the new counties was passed.[37] During the controversy, stress was constantly laid upon the difficulties that would ensue from the abolition of county government, with court and officers, and the State administration, vigorously asserting its good faith in the action taken, stood prepared to lay these difficulties at the door of Lewis Cass and Andrew Jackson.[38]

[35] Cass to King and Clay, December, 1832, in *Southern Advocate*, November 12, 1833; Hodgson, Cradle of the Confederacy, 189.

[36] *Alabama State Intelligencer*, extra, n.d. [December, 1833], containing Gayle's message of November 19, 1833.

[37] See ante, note, p. 40.

[38] "After the publication of these letters, no one, whatever his respect for the laws and rights of others, could have supposed he was doing wrong or violating any of the duties of a good citizen by making a settlement in his part of the State; and it is submitted to the impartial judgment of all candid minds whether the great body of settlers have not been involved in this present difficulty without any fault on their part." "The treaty extinguished the Indian title to the land, and the Indians had become citizens of the State and amenable to its laws by their own consent, thereby obviating all objections growing out of our former relations with their people." Message of Gayle, November 19, 1833, in *Alabama State Intelligencer*, extra, n.d. [December, 1833]; Hodgson, Cradle of the Confederacy, 189, 190.

At this juncture, fortunately, there was room for compromise, The Alabama delegation in congress, led by Senators King and Moore, friends and supporters of the President, began to interest itself in the matter; and early in December, 1833, in a personal conference with Jackson, King received assurances that "No measures should be taken for the removal of the settlers who had not interfered with the possessions of the Indians;" these assurances were conveyed to Governor Gayle in a letter from ex-Governor Murphy.[39] The Secretary of War, Mr. Cass, acceded to what the president had determined upon; and to further the adjustment of the question at issue, appointed Francis Scott Key, then a district attorney in Washington, as a special commissioner to proceed to Alabama to represent the general government in adjusting all questions in dispute.[40] Cass also wrote to Governor Gayle that there had been a misunderstanding or a mistake in the transmission of orders, that the officer in command of the federal troops in the Creek country had been directly instructed to submit to all legal process.[41] With these assurances, upon the arrival of Mr. Key, everything was rapidly adjusted.[42] Key informed the governor

[39] Murphy's letter, dated December 3, 1833, said: "I believe it was never intended to expel all the people from the ceded Creek territory. This would evidently be carrying the thing beyond the justice or necessity of the case. The order issued was general in its nature to apply to what had taken place, and to cover every stipulation of the treaty intended for the benefit of the Indians. It was merely asserting the control of the Government over the subject, should there arise the necessity to exercise it; but evidently the execution of the order would be governed by necessity. Why remove the whole population while only a few individuals have been guilty of trespass, and indeed while the Indians for whose benefit all this was done had no desire that any but a very few should be removed? It never could have been necessary, and therefore could never have been intended." Hodgson, Cradle of the Confederacy, 197. See also King to Gayle, December 6, 1833, in the Gayle manuscripts.

[40] Hodgson, Cradle of the Confederacy, 198; *Southern Advocate*, November 26 and December 31, 1833.

[41] "You will see," wrote Cass, "that the supremacy of the civil authorities will be asserted and maintained as far as depends on the executive. These orders and instructions will be sufficient to insure the due submission of the troops now in Alabama to all legal process, and I trust will be satisfactory to your Excellency." See Gayle's special message of December 20, 1833, in *id.*, December 21, 1833; *id.*, November 12, 1833; Cass to Crawford in *Washington Globe*, October 26, 1833; Hodgson, Cradle of the Confederacy, 201, 202.

[42] *Southern Advocate*, December 31, 1833.

that by the middle of January, 1834, all exemptions created by the treaty for the Indian chiefs would be laid off; that the "settlers upon all the lands outside of these allotments would be released from the stipulations of the treaty;" that settlers would be no longer subject to removal, and that they would be permitted, if they desired, to purchase the lands allotted to the Indians.[43] In view of the early date on which they were to go into effect, these terms, together with Cass' recognition of the jurisdiction of the State courts, convinced Gayle that the whole controversy raging over a year's time had been adjusted to the complete satisfaction of the settlers in the Creek country and to the absolute vindication of the State's contention; and in December he sent a message to this effect to the general assembly, then in session.[44]

During the year 1833, while the relations between the State administration and the general government were thus in a condition of tension, and when an open rupture with the possibility of a resort to arms seemed imminent, a distinct change in political sentiment and alignment was being brought about in Alabama.[45] Prior to this time, though an incipient opposition to the Democratic-Republican party was developing around the friends and supporters of Clay and Adams in Alabama, the State was soundly attached to Andrew Jackson and his way of thinking; and, as has been shown, while the question of Federal interference in the reserved or assumed rights of a State was agitating a sister commonwealth, the people of Alabama in general were content to follow the old Union and Jackson leaders.[46] This general acclaim

[43] Key to Gayle, December 16, 1833, in *ibid.*; Hodgson, Cradle of the Confederacy, 202.

[44] "The principal object of this unpleasant controversy having been obtained by asserting and vindicating those great principles which were established by the Constitution for the security of the people and for the protection of the States, in the exercise of their rightful jurisdiction, it cannot fail to be a source of the highest satisfaction to our fellow citizens in these new counties that the calamity which at one period they were threatened has been averted, and of pride and patriotic exultation to our people everywhere that the supremacy of the civil over the military authority has been successfully maintained." Governor's message in *Southern Advocate*, December 31, 1833.

[45] *Huntsville Democrat*, November 14, December 5 and 12, 1833, and January 23, 1834.

[46] King to Gayle, December 6, 1833, and January 4, 1834, in Gayle manuscripts.

almost silenced the raucous States' Rights or nullification voice raised here and there in protest; the vigorous opposition in certain quarters to the protective tariff measures was for the time overridden; officially, and to a considerable degree, unofficially, Calhoun and South Carolina were condemned. It was hard to desert the "old hero" who had done so much to clear Alabama of the redskins; and it was difficult to make some believe, even in 1833, that "the General" could in any way desire to run counter to the best interests of Alabama.[47]

Yet the leaven, made up of a composite of ingredients, was none the less working. Threats levelled at the South Carolinians took on a new light when their thunders were directed at Alabamians. This changing sentiment was well illustrated in the concluding paragraph of Governor Gayle's message to the general assembly at the special session in November, 1833. "In the present controversy," Gayle said, "my situation had not been free from difficulty and embarrassment. Yielding as I had done, for the last ten years, a sincere and disinterested support to the distinguished citizen who now fills the presidency, it was with the utmost reluctance that I felt myself constrained to oppose the course he had adopted. The country, too, had but recently emerged from the gloom of a threatened conflict with a sister State, and it was foreseen that even a difference of opinion with the administration would tend to awaken the fears and alarm the apprehensions of many good citizens. The suppression of the State government, or the maintenance of its laws in eight flourishing and prosperous counties, were the alternatives presented, and I embraced that to which I was directed by the solemn obligation I had assumed as the chief magistrate of one of the independent States of this Union."[48]

Although Gayle's reelection to the governorship in 1833, at the height of the controversy, was an endorsement of his position,

[47] *Huntsville Democrat*, November 14, December 12, 1833; January 30, 1834. Meetings were held in the northern portions of the State in support of Jackson against Gayle. See especially the meeting at Huntsville, November 2, 1833, *id.*, November 7, 1833. The Madison county grand jury, in formal resolutions, condemned the governor for his course, *id.*, October 31, 1833. See also King to Gayle, December 4, 1833, in Gayle manuscripts.

[48] Governor's message of November 19, 1833, in *Southern Advocate*, Nov. 26, 1833, in *Alabama State Intelligencer*, extra, n.d. [December, 1833]; Gayle's attitude toward Jackson and the national administration, as a result of the

yet a number of influential newspapers, among them the *Huntsville Democrat* and the *Mobile Register*, and a strong group of prominent men steadily opposed his action and supported the position of the Federal government.[49] The *Mobile Register*, one of the leading papers of the state, kept up a steady fire on Gayle, and twitted him for what the *Register* considered his inconsistency, challenging any man in South Carolina to write a better nullifying document than Gayle's second inaugural.[50] Gayle and his supporters saw, however, a marked distinction between the position of Alabama in insisting on the right to control the territory and the people of the State and

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happenings during 1833, is clearly set forth in a letter which he wrote to Francis Scott Key on February 24, 1834: "I unite with you sincerely in the desire you express that confidence be restored between my former political friends and myself. I presume you allude to my "former political friends" at Washington, for the Indian affair has had no other effect here than to array more openly against me, some of Mr. Clay's adherents. They are making extraordinary efforts to secure for him the vote of this State at the next presidential election, and seem to regard putting me out of the way as necessary to their purpose.

My opinion of Genl. Jackson's patriotism and great qualities is unchanged, but it cannot be expected that my zeal or exertions in favor of his administration can be continued under the malignant denunciations of the Globe. These have been discontinued of late, it is true, but they have not been recanted. The Globe is the government paper, and the opinions which it sends forth of men's principles are supposed, if not authorized by the President, to be in accordance with those he entertains. By that journal I stand charged at this moment, with having combined with the nullifiers, and with being engaged in unprincipled speculations. I cannot consent to kiss the rod that scourges me, nor would you. If the President is satisfied that these slanders are unfounded the editorial columns of the Globe is the channel through which the antidote should be administered." Gayle Mss., belonging to Dr. Thomas M. Owen, of Montgomery.

[49] In a long editorial on the state of parties in Alabama, the *Huntsville Democrat* (January 23, 1834), speaking of the attitude assumed by the governor, said: "These principles, deliberately professed, made him at once, in our estimate, the wildest and worst of nullifiers, . . . taken in full extent, . . . made him, . . . as governor, profess himself to be ready to array the militia of the State against the execution of a law of Congress, without the mandate of either a Legislature or a Convention. . . . We saw him, with full forethought, desert the principles of the party to which he had belonged and throw himself into the ranks of that party, *which he had before professed to hold almost in abhorrence.*"

[50] The *Mobile Register* compared the position taken by Gayle in his message to the legislature in December, 1832, with his second inaugural address of December, 1833. Commenting on this latter statement, the issue for December

the attitude of South Carolina in nullifying a tariff law. They would have maintained that, in the case of the Creek controversy, the federal government was attempting to withhold from the state rights reserved to it by the Constitution, while in the case of South Carolina the power to enact tariff laws, no matter how unjust, was specifically conferred on the Federal congress by the Constitution. When the administration at Washington insisted on its obligation to enforce the terms of a treaty, the State authorities retorted that the Constitution was a "higher law" than a treaty.[51]

Having taken his position boldly, Governor Gayle naturally desired an expression on the part of the legislature in approbation of his course and principles, the more especially since it was being charged by his opponents over the State that there had been no expression of the people's will on the grave question.[52] Gayle had always been a man of great personal popularity, so that he was sure of strong support on that score; in addition, since his contest had been with the federal government, the extreme States' Rights, or nullification group—a faction which had hated Gayle before but feared the encroachments of the federal government more—had no choice but to rally to this support in the present contingency.[53] Since the members of the assembly had been chosen before the controversy arose and therefore without reference to the issue, it seemed that the governor's popularity would be an important factor.[54]

In pursuance of the purpose of Gayle's friends, that part of the governor's message relating to the Creek controversy was referred for consideration to a select committee of the House,

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6, 1833 said: "And yet, his Excellency, not long before, took occasion to denounce nullification in good set terms; perhaps he has a prejudice against the phrase; it may be that he thinketh it unpopular, or that a rose by any other name would smell as sweet."

[51] McCorvey, The Mission of Francis Scott Key to Alabama in 1833, in Alabama Historical Society, Transactions, IV: 155, 156; Hodgson, Cradle of the Confederacy, 192.

[52] See ante, note 48.

[53] *Southern Advocate* in *Huntsville Democrat*, December 5, 1833. See also letter from Tuscaloosa by A. B. C. [litherall], dated November 27, 1833, in *Southern Advocate*.

[54] *Id.*, January 28, 1834.

headed by Jesse Beene, of Dallas county, a close political ally of the governor.[55] The Union men on the committee urged that since the difficulty had been settled, it was worse than useless to bring on a discussion about abstract principles which would only extend the excitement then existing, and they therefore opposed any report.[56] But the friends of the governor and the nullifiers, after a discussion lasting for several weeks, finally submitted for the consideration of the house a series of resolutions sustaining the governor in his every contention.[57]

The resolutions were acrimoniously discussed in the house. Beene led the forces in favor of adoption; Arthur F. Hopkins, the most prominent Whig of the State, marshalled the opposition. Hopkins contended that the constitutionality of the act of 1807 had never before been questioned, though the power conferred by it had been repeatedly exercised. "We are arraying the State against the United States without the form of law," Hopkins said; and he asserted that action contemplated under the resolutions would be "Nullification worse than South Carolina's." His chief argument, however, was on the expediency of the resolutions; and he constantly asserted that the majority of the people of Alabama

[55] *Southern Advocate,* January 28, 1834; *Tuscaloosa Flag of the Union,* n.d., in *Southern Advocate,* December 31, 1833.

[56] *Id.,* January 28, 1834. Senator William R. King wrote Gayle that he hoped the matter would be allowed to rest as it was, without legislative action, as this might disturb the harmony of the "Friends of the Union." See letter of January 4, 1834, in Gayle manuscripts. The union men said the governor was entitled to a vote of thanks for having done the State no harm, after bringing the people to the verge of disaster! *Southern Advocate,* January 28, 1834.

[57] These resolutions, five in number, declared that the removal of settlers was unnecessary and would be destructive of the prosperity of the citizens and subversive of the jurisdiction of the state; that the act of 1807, providing for the employment of military force in the removal of intruders, was destructive of free government and incompatible with the jurisdiction and sovereignty of the state; that the general government had no constitutional power to interfere with the municipal affairs of the state (of which the present matter was one); and that the treaty making power of the Federal government could not extend to encroachments on the reserved rights of the State. *Southern Advocate,* Huntsville, Jan. 28, 1834; Alabama Department of Archives and Hist., Alabama Pamphlets, no. 16.

[58] "Speech of Arthur F. Hopkins, of Madison county, Alabama, against the report of the special committee on the Creek controversy," in Ala-

opposed such action as the passage of the resolutions might entail.[58] When through test votes the governor's friends found, to their great surprise, that the resolutions could never receive a majority, they set out to prevent open rejection by laying the measure on the table or by re-committing; and they now took the position formerly urged by the Union men. "The matter is over," they now said, "why pursue the Governor so vindictively; why offer the censure which rejection would imply? Let the resolutions lie on the table."[59] The Union men, on the other hand, seeing their strength, determined to force the issue. Successive motions to postpone and to lay on the table were defeated.[60] It was then clear that if the main question were put, the Governor's supporters would be defeated; and the motion to refer to a select committee, with the tacit understanding that no action was to be taken, finally prevailed by a vote of 36 to 33, several Union men voting with the Governor in order not to embarrass him any further.[61]

Despite the fact that the Beene resolutions could not be passed even by the injection of the issue of the personal popularity of the governor, the legislative contest of December, 1833, and January, 1834, showed a very rapid increase in the spirit of hostility to the general government. When the Ormond resolutions, in which the doctrine of nullification was condemned and deprecated, had been before a previous legislature, they had been opposed by the united nullification forces, amounting, at the most, to fifteen or sixteen

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bama Department of Archives and History, Alabama pamphlets, no. 16; *Tuscaloosa Flag of the Union*, n.d., in *Southern Advocate*, December 31, 1833, and January 21, 1834.

[59] *Id.*, January 28, 1834; *Huntsville Democrat*, January 23, 1834.

[60] The first by a vote of 34 to 33, the second, 39 to 30. *Southern Advocate*, January 28, 1834.

[61] See Representative Fleming's explanation of his vote to refer in his open letter to the voters of Madison county, January 27, in *Huntsville Democrat*, January 30, 1834. On support for Gayle, see *Southern Advocate*, January 28 and March 18, 1834. The preceding account of the legislative contest is made up from long articles, letters, and editorials in the *Huntsville Democrat*, January 16 and 23, February 6, 13, 27, March 6, 1834; *Tuscaloosa Flag of the Union*, January 28, and issues for February and March, 1834; *Southern Advocate*, issues for January and February, 1834; Alabama department of archives and history, "Report of the special committee on the Creek controversy," in Bulletin no. 16; Hodgson, Cradle of the Confederacy, 203 fol.

men in the entire House.[62] "How has the thing changed!" writes John D. Phelan, editor of the *Huntsville Democrat*, the leading Union paper in the state, "a set of resolutions approbating principles more extravagant than S. Carolina's nullification commands the support of nearly an equal half of our Legislature, with the Governor at their head. We trust that those who feel anxious to maintain the Federal Government in the exercise of its proper Constitutional powers will deliberate on these things, and see the necessity for future vigilance, concert, and energy of action. The Nullifiers are untiring in their efforts. It is not only to extend the doctrine of Nullification, but to excite an uncompromising and bitter hostility to the Federal Government in every way and shape. . . . Let the line be drawn broad and plain between parties. When men deny being Nullifiers, but profess to be States Rights men, let the people demand of them what they *mean* by State Rights. We are not exclusively partial, by any means, to the Federal Government; it is to be watched with jealousy, for its tendency is to usurpation. Though we love the Union, we cling with as sincere an affection to the just Rights of the States. But in looking for these rights, we do not hold ourselves at liberty to weaken or make void any part of that solemn Compact which our forefathers made and declared the "Supreme Law of the Land—the Constitution of the United States. Here is the line where we should make the rule of judging who is with us and who against us. Whoever says there is any remedy against Federal usurpation, when the Judiciary has failed, when the ballot box has failed, when petition and remonstrances have failed, when, at last, a call for a convention has failed: except in the high and holy right of renouncing the Constitution, and falling back on the natural right of men to resist oppression, which is above and beyond all Constitutions; whatever he may profess to the contrary, he is not one in whom the Union party should confide."[63]

With the exception of the nullifiers, who were the particular followers of Dixon H. Lewis, the men who supported the Beene resolutions denied the charges hurled at them by the Union party, made up largely of Jackson Democrats, and asserted vigorously

[62] *Huntsville Democrat*, January 20, 1834; see *ante*, p. 28.

[63] *Huntsville Democrat*, January 23, 1834, editorial on "The state of parties in Alabama." See also *id.*, February 13, 1834.

that a declaration of the unconstitutionality of an act of Congress was not nullification, without action. And Gayle and his supporters denounced the Union men as Federalists and Consolidationists.[64] The chief newspaper support of Gayle came from the *Tuscaloosa Flag of the Union*, a States' Rights journal in the capital.[65] The Union men, with the exception, of course, of such Whigs as Arthur F. Hopkins and other who were cooperating with them, asserted, in reply,[66] that they belonged to the "Democratic school of the war time—for strict construction and a generous support of the Federal Government within that construction."[67]

Thus during the years of 1832, 1833, 1834, the question of States' Rights and nullification, brought forward because of the Indian problem within the State, was a vital and ever present issue throughout Alabama, the subject of general consideration and discussion. In 1830, men of all factions, in so far as there were differences of political alignment, were strict constructionists; but at the beginning of the discussions over the tariff and nullification, only a small group had definitely set itself forward in favor of the extreme States' Rights doctrine of a later time. In the period of the early Thirties, however, the States' Rights men of Whig

[64] *Ibid.*, February 6, 1834.

[65] *Tuscaloosa Flag of the Union*, January 29, 1833 fol., *Southern Advocate*, July 8, 29, 1834; *Huntsville Democrat*, February 13, 27, 1834, with numerous extracts from the *Flag of the Union* and the *Tuscaloosa Expositor*.

[66] With respect to his position in the dispute, Hopkins asserted that he had "no fellowship with either of the largest parties," referring to the Union party and States' Rights party of Lewis. Defending a measure of the administration, he declared that he had never been a Jackson man, and had "never taken his political creed from the powers that be at Washington"; that he "believed no more in the infallibility of a President or a Governor than in that of the Pope, or the pretensions of Mohammed." He was still more opposed to the visionary and anarchic tenets of the nullifiers—"a party of young hot bloods . . . [by whom] the notion is entertained that it is chivalrous—the very pink and essence of chivalry to tilt against the institutions of our country." See article signed "Claudius," in *Southern Advocate*, April 22, 1834.

[67] "With what face," queried the editor of the *Huntsville Democrat*, "does Governor Gayle charge anyone with being a Consolidationist? Is not he the man who declared in his annual message of 1832 that a State bears the same relation to the United States that a county does to a State? Such a doctrine is the very essence of consolidation, and what as we utterly deprecate. . ." *Huntsville Democrat*, February 27, 1834.

persuasion and the ultra States' Rights men of the old Democracy—followers of Dixon H. Lewis and James M. Calhoun—tended, because of the nature of the questions under agitation, to unite in opposition to be advanced Unionist position of Jackson and his supporters. And, moreover, the Unionism of the Jackson Democracy was enhanced and broadened by its opposition to this growing States' Rights movement. This alignment and the alliance of the States' Rights Whigs and the nullifying wing of the Democratic party appeared clearly and distinctly in the discussions growing out of the Creek controversy, especially during the legislative session of 1833-34, in the matter of the Beene resolutions; and in the discussions that followed throughout the State during the year 1834. For a few years the party groups in Alabama continued to form on this basis, only to give way, about 1838, on the financial question.

The rapidly developing spirit of sectionalism was emphasized, in these early years of the Thirties, by the fact that the States' Rights Whigs and the nullifying Democrats were, in general, to be found in the cotton counties of the southern part of the State, while the old Union Democrats and the strong Union Whigs were settled largely in the northern sections.

CHAPTER V

Organization and Reorganization

The strong sentiment in Alabama in support of the Union, which had been manifested so unmistakably in the first decade of the State's political life and which had taken the outward form of unshaken loyalty to and support of Jackson and his politices, had been appreciably weakened in the early years of the Thirties by a variety of conditions and circumstances. The rapid, almost unprecedented, development of Alabama out of frontier conditions to a comparatively high stage of social and economic welfare had already begun, by 1830, materially to decrease the feeling of dependence on the central government characteristic of any new State; the development by the general government of the policy of protection, though not in the earlier years so manifestly detrimental to the new country, had come definitely to be recognized as inimical to the best interests of a planting State and to be looked upon as the effort of the federal government to check the growing prosperity of the section; and, finally, between 1832 and 1834, the controversy between the general and the State governments over the question of the removal by federal troops of the settlers on the Indian lands in Alabama had re-awakened and made more vivid the theoretical doctrine of States Rights—the question of the powers reserved to the States and the powers conferred by the States on the Federal government.

The controversy between Governor Gayle and President Jackson over a question of the relations of the State and the Federal government, ending in a compromise, left the main point at issue yet unsettled in the minds of a large number of Alabamians. And for several years following the disagreement, the party lines were largely drawn on this one issue. At this time, when the cleavage between the Democratic party and the National Republicans, now generally called the Whigs, in Alabama, was becoming more marked, the division in the dominant party in Alabama became more and more evident; and the States Rights wing, or the Calhoun Demo-

crats, usually dubbed the Nullifiers by their opponents, under the able and skillful leadership of Dixon H. Lewis took the position virtually of an independent third party. And as has been pointed out, agreement on a course in opposition to the strong government attitude of the Jackson Democrats brought these Calhoun Democrats into a rather close alliance with the States Rights Whigs. The fact that the strength of both of the States Rights groups lay predominantly in the great cotton plantation section, with the consequent unanimity in social and economic interests tended further to bind together this alliance as over against the regular Democracy, entrenched in the northern section.[1]

A proper understanding of the increasing sectionalism, now growing somewhat rigidly marked in the State, demands a brief consideration of party politics in Alabama during the closing years of the Jacksonian regime.

During 1834, this coalition in opposition to Jackson and the administration expressed itself in an effort to defeat William R. King, perhaps the strongest Union man in the State and a vigorous supporter of the president, for reelection to the United States senate.[2] When the legislature met, however, no candidate was offered in opposition to King.[3] The other senator, Ex-Governor Gabriel Moore, had fallen away from his former staunch support

[1] Cf. *supra*, p. 54.

[2] *Huntsville, Democrat,* April 3, 1834. The two nullification papers published in Tuscaloosa, the capital—the *Intelligencer*, and the *States Rights Expositor*—were publishing long and abusive letters and editorials against King, (cf. *Huntsville Democrat*, Aug. 6, 1834). The *Montgomery Advertiser*, an administration paper, denounced the movement in the bitterest terms, asserting that for years, the States Rights faction of the Democratic party, greatly in a minority, had nevertheless by management and chicanery controlled most of the elections devolving on the legislature and had held a greater part of the State offices in their hands. *Montgomery Advertiser*, n.d. in *Southern Advocate*, July 22, 1834; *Huntsville Democrat*, July 23, 1834.

[3] *Tuscaloosa Flag of the Union*, Nov. 20, 1834; *Huntsville Democrat*, Dec. 3, 1834. A letter from Tuscaloosa, dated Nov. 24, in the *Athens Athenian*, reported that Dixon H. Lewis spent some time in Tuscaloosa during the early days of the session, and that it was generally understood that if a possibility had arisen an effort would have been made to defeat King. *Huntsville Democrat*, Dec. 3, 1834. In July, Governor Gayle had written to his cousin, Geo. W. Gayle, declaring that he had no intention whatever of opposing Col. King for the Senate. Cf. *Huntsville Democrat*, July 23, 1834(Gayle's letter dated July 11).

of Jackson, had voted against the confirmation of Van Buren as minister to Great Britain,[4] and had aligned himself in Alabama with the States Rights-Whig coalition. A wave of resentment swept through the ranks of the president's admirers in the State;[5] and finally, this bitterness became so intense against Moore that the general assembly in December, 1834, requested him to resign.[6] But Moore, supported by a strong minority,[7] refused to resign, and served to the expiration of his term in 1837.

Throughout 1834 and 1835, meetings were held all over the State, especially in the northern sections, by the Democracy in support of the national administration's policies and in honor of the "faithful" in congress—King, Clay, McKinley, Mardis, and Murphy.[8] Though there were bitter contests in several of the districts, the delegation elected in 1835 was again composed entirely of

[4] *Southern Advocate*, Huntsville, May 12, 1832. Cf. Benton, Thirty Years' View, II, 215.

[5] *Huntsville Democrat*, Aug. 6, 1834. Cf. accounts of meetings in northern Alabama in opposition to Moore. *Huntsville Democrat*, Nov. 19, 1834; *Southern Advocate*, May 12, 26, 1832. His enemies declared that Moore was going through Alabama advocating the lessons taught him by "that arch intriguer, Henry Clay." *Huntsville Democrat*, Aug. 6, 1834.

[6] The joint resolutions, passed by a vote of 57 to 26 in the House, and 19 to 9 in the Senate, declared that Moore was "in close alliance and cordial cooperation with that combination of parties which have united themselves to oppose and embarrass the present administration—an administration which the people of Alabama feel a great anxiety to sustain because they believe its prominent measures and course of policy to be decided by wisdom and patriotism"; and that Moore had evinced a strong partiality, if not positively committed himself in favor of "the heretical doctrine of nullification which the people of this State held to be in its practical tendencies fatal to the harmony and perpetuity of our inestimable Union." *Niles' Register*, XLVII, 817; *Tuscaloosa Flag of the Union*, n.d., in *Huntsville Democrat*, Dec. 31, 1834; Smith, Hist. of Pickens Co., 134.

[7] Moore made speeches all over the State; and many dinners were given in his honor. Cf. especially the banquet in Tuscaloosa, the capital, in August, 1834. *Niles' Register*, XLVII, 12; *Huntsvi"e Democrat*, Aug. 6, 1834; *Tuscaloosa Flag of the Union*, n.d., in *Huntsville Democrat*, Aug. 13, 1834.

[8] *Southern Advocate*, Aug. 12, Oct. 7, 1834; *Flag of the Union*, n.d., in *Huntsville Democrat*, Oct. 1, 1834; and in *Advocate*, Oct. 7, 1834; *Huntsville Democrat*, July 7, 25, 1833; June 19, 26, 1834; July 3, 10, 17, 1834; Aug. 13, 20, 27, 1834; Oct. 1, 1834. Gabriel Moore and Dixon H. Lewis were acting with the anti-administration forces in Congress.

Democrats.[9] In the organization of the legislature in the autumn of 1834, these various currents and counter-currents again appeared. The regular Democracy was able to hold just enough States Rights men in line with their former party alliance to give it a bare majority in the two houses, and to enable it, with great difficulty, to accomplish its measures and defeat the machinations of its aggressive foes.[10]

Alarmed by the defection of the States Rights men and fearful that if the union between this group and the Whigs were permitted to continue a permanent alliance would be formed which would endanger Democratic control in State politics, the regular Democracy, in the development of its party program in the legislature, made every effort to conciliate the States Rights men and to win them back into the party. The Democratic leaders took occasion, in pursuance of this purpose, to express the distinct adherence of their party to the doctrine of States Rights; assumed the former vigorous attitude of the party in opposition to a protective tariff; denounced the efforts being made to grant a new charter to the Bank of the United States; and declared once more against public improvements in the States by the general government. Furthermore, the expression of approval of the national administration was set out with more restraint than had been common in an Alabama legislature where Andrew Jackson was concerned.[11]

[9] Though Lyon, elected to succed Murphy in the Mobile district, joined Lewis in opposition to the administration and soon became aligned with the Whigs.

[10] *Huntsville Democrat*, Nov. 26, 1834. Samuel W. Oliver, of Conecuh, born in Virginia and educated at Franklin College (the University of Georgia), who was elected speaker of the lower house, had not been known during the recent controversy as a supporter of the national administration and as a matter of fact had evinced certain nullification sentiments. When Whig opposition developed, in the process of organization, Oliver aligned himself with the administration and won by the close vote of 41 to 40, after two tie votes had been cast. *Huntsville Democrat*, Nov. 26, 1834. Oliver later affiliated with the Whig party and was its candidate for governor in 1837. Brewer, Alabama, 195.

[11] *Huntsville Democrat*, Nov. 26, 1834; *Niles' Register*, XLVII, 276. Cf. the resolutions of the General Assembly instructing the senators and representatives in Congress to vote against the re-charter of the Bank. *Niles' Register*, XLVII, 276. The *Huntsville Democrat*, the leading Union Democratic paper, in explaining its position, expressed its opposition to the exercise of every power by the federal government except such as were expressly granted by the Con-

This alliance between the States Rights men and the Whigs was strengthened in 1835 by a common opposition to Jackson's determination to name his successor. Of all the prominent anti-administration candidates, these men found it easier, for various reasons, to unite in support of Hugh L. White of Tennessee,[12] and the combination, with the aid of a few anti-Van Buren Democrats, was strong enough to force favorable action in the legislature on a resolution proposing Judge White for the presidency.[13] Each candidate for the governorship in 1835, Clay, of Madison, and Parsons, of Monroe, expressed his preference for White over Van Buren;[14] but during the course of the campaign, the tendency of the Whigs and the States Rights men, the prime supporters of White, to line up in support of General Parsons, forced Clay to assume a more friendly attitude towards Van Buren.[15]

The gubernatorial contest was not, however, looked on by the people as a "ruling and exclusive test" on the question of the

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stitution or were clearly "necessary and proper." Nov. 26, 1834. In the midst of the Creek controversy, the same paper declared itself "Equally and decidedly opposed to nullification, and every such mad scheme, which those who call themselves the exclusive States Rights men would put into operation to destroy the Union, while they pretend to be only anxious to check the encroaching steps of the Federal government upon the proper limits of the Constitution." *Huntsville Democrat,* July 4, 1833. The Democrat had seen a light in 1834.

[12] *Tuscaloosa Intelligencer,* June 4, 1836. Cole, Whig Party in the South, 42 fol.; Scott, Memoir of H. L. White, 73-81; *Tuscaloosa Flag of the Union,* Dec. 26, 1835.

[13] *Niles' Register,* XLVII, 378, 387, quoting *Alabama Intelligencer,* extra n.d.; Scott, Memoir of H. L. White, 331-32; *Southern Advocate,* Jan. 6, 1835.

[14] *Southern Advocate,* Dec. 23, 1834; Aug. 4, Aug. 11, 1835; Jan. 6, 1835; *Flag of the Union,* n.d., in *Southern Advocate,* Jan. 6, 1835.

[15] *Southern Advocate,* July 21, 1835; Cf. Parsons' Tuscumbia letter, dated July 20, in *Southern Advocate,* July 28, 1835. Parsons, curiously, was an open opponent of nullification. "I am a Union man, and the Nullifiers know it and know likewise that I am opposed to their doctrines." Clay asserted that his personal preference was for White—but that he was primarily for the man who could defeat the Whig candidate, and that he wanted to keep the election from going to the House. Cf. Public Address to the people, dated July 8, in *Southern Advocate,* July 21, 1835. Cf., also, letter from Clay to Dr. Thos. Fearn, in the same issue. *Alabama Mercury,* Marion, March 4, 1836.

presidential succession.[16] Clay defeated Parsons by a large vote.[17] The resolution in favor of Judge White had been passed on the contingency that there was no danger of the election of a president being thrown into the House. When it appeared that there was such a danger, the legislature, in December, 1835, rescinded its action.[18] Three of the five representatives elected to Congress were favorable to White.[19]

The rescission of the resolution nominating White checked the tide in his favor, and the Van Buren forces began to gain in Alabama. There was a manifest weakening of States Rights support for White, and a marked tendency of the Democracy to get together on Van Buren's candidacy.[20] In the contest between White and Van Buren, in 1836, the sectional appearance of the White-Whig coalition was significant; for, with a few exceptions in each case, White secured a majority in all of the southern counties and Van Buren, in all of the northern. The heavy vote for Van Buren in two or three of the non-slaveholding, rabidly Democratic counties in northern Alabama gave him a majority of 4,894.[21]

With the election of Van Buren, the fear on the part of the States Rights men in Alabama of federal usurpation—the point on which their defection from Jackson and the regular Democracy originated—began perceptibly to wane, especially in view of the conservative doctrines promulgated in his inaugural,[22] and in his

[16] *Southern Advocate,* Aug. 11, 1835.

[17] *Id.,* Aug. 25, 1835; Brewer, Alabama, 357.

[18] *Niles' Register,* XLIX, 328; Globe, n.d., in the same, 282. "Alabama is now redeemed, regenerated, and disenthralled—from the shackles of unauthorized and unconstitutional dictation," exults The *Tuscaloosa Flag of the Union,* Dec. 12, 1835. The vote in the House was 48 to 36. *Flag of the Union,* Dec. 12, 1835.

[19] *Niles' Register,* XLIX, 5. Lyon, Lewis, and Martin were outspoken for White, Lawler was uncommitted, Chapman was for Van Buren. Lyon, Lewis, and Martin represented southern districts, Lawler and Chapman, northern.

[20] *Tuscaloosa Flag of the Union,* May 21, July 13, 1836.

[21] *Tuscaloosa Intelligencer,* n.d., in *Southern Advocate,* Dec. 6, 1836; *Tuscaloosa Flag of the Union,* n.d., in *Huntsville Democrat,* Jan. 10, 1837. The *Alabama Mercury,* Marion, spoke of "vandals of the North" carrying Alabama for Van Buren. See *Tuscaloosa Flag of the Union,* Aug. 27, 1836.

[22] *National Intelligencer,* March 6, 1837, cited in Cole, Whig Party in the South, 45.

message to Congress, September, 1837, on the question of the finances;[23] and the regular Democracy manifested a deliberate purpose, at this juncture as in 1834,[24] by conciliation to wean the States Rights men from their somewhat unnatural coalition with the Whigs.[25] This movement looking to the healing of the schism which had existed since 1832 was particularly marked in Alabama on the part of the leaders of the States Rights wing, and early in 1837, Dixon H. Lewis, James M. Calhoun, and others let it be known that Van Buren's financial measures, especially the sub-treasury scheme, were satisfactory to them, and that they would henceforth cooperate with their former party associates.[26] The rank and file were slower in falling in with the new alignment, and a goodly number continued to affiliate with their Whig confederates, especially in the Whiggish strongholds of the Black Belt. But the conciliatory efforts of the Democratic leaders soon began to bear fruit. By generous recognition of the States Rights men, the new alliance was markedly successful in the legislative campaign of 1837—though Bagby, Democrat, defeated Oliver, Whig, for governor by a majority of only 4,137 in a total of 40,000.[27]

Therefore, early in Van Buren's administration, political organization in Alabama began definitely to form along strict lines of party principle on a purely sectional basis. The parties, in 1838, were divided chiefly on the financial questions confronting the State and on the divorcing of the government from the banks. The policy of the administration on this issue, the entire separation of the government and the banks in the collection, safe-keeping, and disbursement of the public money in coin, was now accepted by the old States Rights men as a thoroughly satisfactory principle.[28] It was the policy of the State, as generally advocated, to

[23] Garrett, Reminiscences, 48-9.

[24] Cf. *supra*, p. 58.

[25] Cole, Whig Party in the South, 46; Hodgson, Cradle of the Confederacy, 237.

[26] Garrett, Reminiscences, 48-49, 51; cf. *Globe*, article on Alabama Politics, quoted in *Huntsville Democrat*, May 11, 1839.

[27] Garrett, 40, Reminiscences, 63-64, 158-59, 206.

[28] Greensboro Beacon of Liberty, in *Huntsville Democrat*, May 19, 1838; Garrett, Reminiscences, 39, 42 48-49.

resume specie payments at the State Bank of Alabama[29] and its branches at the earliest day practicable, and it was expected that this would be done in the winter of 1838-9. In the previous session of the general assembly, legislation with that end in view had been moulded.[30]

In August, 1838, the directorate of the State banks determined to enter the cotton market as one of the best means of accomplishing the desired object—the scheme being to advance money to the planters on the cotton crop, the cotton then being shipped abroad as a bill of exchange to procure specie. It was thought that this would not only tend to relieve the banks but that it would also be of great assistance to the planters, in aiding them to finance and move the crops.[31] The scheme was plausible enough; but the Democrats saw in the plan a scheme to aid the Whig planters at the expense of the rest of the State, and on the meeting of the legislature, in December, Governor Bagby, a Democrat, questioned the authority for such action and its expediency. In his annual message, he said: "The arrangement entered into by the Bank of the State of Alabama, on the 29th day of August last, to make advances on cotton, has been brought to my notice in such a variety of ways that I do not feel at liberty to avoid submitting a remark upon it. Perhaps there is no principle more universally recognized than that corporations possess no powers except such as are conferred upon them by the acts creating them; and that they are not at liberty to undertake to promote one interest of the community, or any portion of it, to the exclusion of the rest; but can only do such things as they are authorized to do in the mode pointed out by the charter, and in no other mode. It is readily admitted that the planting interest, which this arrangement was evidently intended to favor, is the most important, and that the planters constitute our surest and safest reliance in any emergency. But they are not entitled to

[29] The Bank of the State of Alabama under State direction had been established by the General Assembly in 1823, and though badly managed had been able to weather the financial storms until the troublous times of 1837. It had then suffered the ordinary fate of all banks. Fitts, Hist. of State Bank of Alabama, Bankers' Law Jol., XII, 347-56. Cf. Petrie, in The South in the Building of the Nation, II, 278-80.

[30] Garrett, Reminiscences 39, 51.

[31] *Id.*, 63-64, 66.

favors to which other classes of the community are not equally entitled, and upon the same terms. The liberties of the people of this country rest on the broad platform of equal rights, and any attempt to discriminate between them is striking at the foundation of our political system. I am therfore of opinion that this and all similar arrangements are indefensible in principle and practice."[32]

On the subject of federal politics, with which the legislature of 1838-9 was largely concerned, the Whigs opposed utterly the independent treasury policy of the administration, while the Democrats supported that policy unitedly, except for the specie feature.[33] On December 7, Judge William Smith, of Madison, offered a series of resolutions, practically constituting a platform for the Democratic party under the union with the States Rights men. After reviewing the general question of the finances and advocating a specie currency (in which section the States Rights men did not follow him), Judge Smith set out that "this Legislature greatly prefer agents selected by the Government itself, amenable to its orders, subject to its immediate control, punishable at its discretion, and removable at its bidding," as the financial agency of the Government. And the resolutions instructed the representatives of Alabama to oppose the re-charter of a United States Bank, and to support the separation of the public revenue from the control of any bank.[34] This party platform was forced through the legislature by the overwhelming Democratic majority in both houses; and vigorous resolutions were passed in support of Van Buren's course.[35]

Elisha Young, a prominent Whig leader from Greene county, in the Black Belt, tried to get an expression through the House that congress ought not to pass any laws prohibiting the reception of the notes of solvent banks, after the resumption of specie payments, in the collection of all dues to the government; but this

[32] Garrett, Reminiscences, 63, 66; *Alabama State Intelligencer, Tuscaloosa,* Dec. 6, 1838.

[33] *Id.,* Dec. 6, 1838.

[34] Garrett, Reminiscences, 71, 72-73; Cf. Letter of Smith, in *Huntsville Democrat,* March 2, 1839.

[35] *Huntsville Democrat,* Jan. 12, 1839, and extracts from *Tuscaloosa Intelligencer,* a Whig paper published at the capital; Garrett, Reminiscences 73-78. Resolutions given in *Niles' Register,* LV, 405.

measure, so much desired by the large planting interests, was rejected by the northern Alabama Democracy on a party vote.[36]

The debate on Judge Smith's resolutions and the various amendments proposed was participated in by nearly all of the Whig and Democratic leaders and ranks as one of the ablest and most earnest discussions in the State during this period. The coalition of the Democrats with the States Rights men, however, was able easily to carry its point, though the program had several times to be modified to meet the demands of the States Rights faction.[37] The discussion closed on January 3, 1839, and the Smith resolutions were adopted, one by one.[38] The section on which there was disagreement in the majority party, the specie clause, was adopted by a vote of 51 to 40, many of the States Rights men voting with the Whigs in opposition. The senate accepted the measures by a large majority on a party basis.[39]

Before the legislative session came to an end, the State conventions of the two parties were held in Tuscaloosa. Following the action taken in the legislature, the delegates in the Democratic gathering were largely concerned in effecting and in perfecting the union between the Democracy and the States Rights men—especially in support of the administration's financial policy, then the absorbing topic in the State, particularly the specie clause.[40] A few weeks later, the Whigs met, dominated by such leaders as Arthur F. Hopkins, C. C. Langdon, of Mobile, Samuel C. Oliver, of Montgomery, and others. The Whigs condemned the financial policy of the Democratic party, especially the provision which

[36] Garrett Reminiscences, 73.

[37] The views of the States Rights men, specifically, were expressed by a resolution of Weissinger, a Black Belt Democrat: 1. That Congress has no power to establish a bank to aid the Government to carry into execution any of the specified grants of the Constitution; 2. That the framers of the Constitution did not contemplate and the Constitution does not authorize the reception of any but gold and silver in payment of public dues. The Whigs tried to meet the States Rights men on this point and win their support, but failed. Weissinger's resolution was tabled, 49 to 45. Garrett, Reminiscences, 76-77.

[38] *Tuscaloosa Intelligencer*, n.d., in *Huntsville Democrat*, Jan. 12, 1839. Full account.

[39] Garrett, Reminiscences, 77-78.

[40] *Huntsville Democrat*, Feb. 1, Feb. 22, 1840; *Globe*, n.d., in *Huntsville Democrat*, May 11, 1839.

required the collection of the public moneys in coin;[41] and though the larger portion of the States Rights men fraternized with the Democracy, Whig support from members of that faction was not wanting.[42] As a general proposition, however, the old alignment of the States Rights group with the Whig party had been definitely broken by the decline of the nullification excitement and the development of the financial questions as the chief political issue; and henceforth the States Rights men, especially the leaders of that group, affiliated with the Democrats,[43] and in many cases took over the leadership of the coalition forces.[44]

[41] Whig address to the people, in *Niles' Register*, LV, 371—cf. especially sections 5 and 6; *Tuscaloosa Flag of the Union*, n.d., in *Huntsville Democrat*, Jan. 26, 1840.

[42] Garrett, Reminiscences 78, 471.

[43] Cf. Hodgson, Cradle of the Confederacy, 237.

[44] Garrett, Reminiscences, 158, 159, 471. Cf. Dixon H. Lewis, who was in full affiliation with the Democratic party after 1837, drawn into it by his support of its financial policy. Garrett, Reminiscences, 471.

CHAPTER VI

The Triumph of Sectional Interests

The sectional and party lines between the Whigs and the reorganized Democracy were closely drawn during 1839; and the elections of that year were conducted with spirit in all portions of the State where the relative strength of the parties would justify a contest. This was particularly and strikingly true of the Congressional elections in the fall. In the Huntsville district, comprising a group of seven northern and northeastern counties uniformly Democratic by a large majority—the stronghold of Alabama Democracy—the Whigs did not deem it worth the while to offer a fruitless opposition to Reuben Chapman, the Democratic incumbent;[1] and Dixon H. Lewis, the representative from the Montgomery district, nullifier, "Calhoun-Sub-Treasury" man, leader of the States Rights wing of the Democratic party, was not particularly displeasing to the Whigs because of his former hostility to Jackson.[2] Moreover, his great personal popularity among the Whigs in the 'black' counties in the west of his district, coupled with the Democratic strength in the 'white' counties of the east, was another deterrent of Whig opposition. In the three other districts of the State, however, the two parties entered upon vigorous campaigns, and the contests were acrimoniously conducted —naturally, under the circumstances.[3]

Perhaps the bitterest fight occurred in the Florence district, in the extreme northwestern part of the State, with David Hubbard, Democratic incumbent, and David G. Ligon, Whig, as the opposing candidates. The Democrats were alarmed over the possibility of losing this district, inasmuch as they recognized that two districts were almost certain to choose Whig representatives, and that the election of Ligon would give that party a majority of the Alabama

[1] *Huntsville Democrat*, July 27, 1839.

[2] *Id.*, May 11, 1839.

[3] *Id.*, July 22, 1839.

delegation[4]—a matter of vital importance if the presidential election should be transferred to the house. Hence the power of the State Democracy was thrown into the Florence district, to save Hubbard. The district consisted of seven counties: four on the Tennessee—Lauderdale, Franklin, Lawrence, and Limestone, in which the slave population ranged from 35% to 48%, and three in the 'hill' country,—Walker, Marion, and Fayette, where the slave population was almost negligible. In the four 'black' counties, the vote was nearly evenly divided, Ligon carrying one, Lawrence, and Hubbard, the others. But, strikingly enough, in the 'hill' counties, Hubbard polled an enormous vote, proportionately, ensuring his election by a large majority in the district.[5]

In the Third, or Tuscaloosa-Greensboro district, the Whigs elected George W. Crabb over his Democratic opponent, Harvey W. Ellis, by a safe majority, though smaller than in the previous contest, owing to the defection of many States Rights Democrats who had previously supported General Crabb.[6] This was a peculiarly arranged district, stretching almost across the State, comprising Black Belt and 'hill' counties, with the former predominating. The 'hill' counties voted strongly for Ellis, but the Whigs, as usual, looked for their strength in the Black Belt section.[7]

The issues between the two parties were quite clearly drawn and presented in the Mobile district.[8] James Dellet, the Whig nominee, was among the ablest men in Alabama, a man of splendid acquirements, "a Whig in all his phases, moods, and tenses," devoted to Clay and the Bank.[9] John Murphy, formerly governor of the State for two terms and an ardent supporter of the administration, opposed Dellet. In the previous congressional election, these two men had been pitted against each other, and Murphy had won.[10]

[4] *Huntsville Democrat,* July 27, 1839; cf. *Nashville Banner,* n.d., quoted in *Democrat,* July 27.

[5] *Florence Gazette,* July, 1839; *Huntsville Democrat,* July 27, 1839.

[6] *Tuscaloosa Independent Monitor,* Aug. 16, 1839.

[7] *Id.,* June 4, 1839; Letter in Richmond Enquirer, dated May 9, 1839; *Huntsville Democrat,* June 15, Aug. 17, 1839.

[8] *Mobile Commercial Register,* May 8, 1839.

[9] Garrett, Reminiscences, 325-26; *Huntsville Democrat,* May 18, 25, 1839; *Mobile Commercial Register,* May 8, 1839.

[10] Garrett, Reminiscences, 327.

In the present campaign, the fight was complicated by the entry into the race of Lyon,[11] an independent; and Dellet carried the district for the Whigs.[12]

Thus, in the campaign throughout the State, the Democrats had won in the two northern districts and the Whigs in the two southern districts. In the Montgomery, or middle and eastern, district, the election of Lewis was interpreted throughout the State as a "dog fall," a personal victory for Lewis, and to be reckoned as a triumph neither for the Democrats nor for the Whigs, inasmuch as Lewis, though now aligned with the administration forces, was practically neutral, in the estimate of the voters, in 1839.[13] It was noticeable that the Whig strength in the northern districts was concentrated in the counties where the slave population was considerable and where cotton raising was more or less the interest of the people, while the Democratic vote in the "South" was largely in the 'white' counties, or in the commercial center, Mobile.[14] This election tended further to divide the parties along sectional lines, a development still more marked in the following year, in the presidential campaign between Van Buren and Harrison. In 1839, both branches of the legislature were decidedly Democratic, on the issue made by the passage of the Smith resolutions the winter before.[15]

The presidential campaign of 1840 was undoubtedly the most bitter political battle ever waged in Alabama, with more enthusiasm and acid partizanship displayed than in any other contest. Though the Democracy had always won the State by a safe majority against all opposition, the Whigs were buoyant with hope[16] and, seeing the prospects for their success in the Union, they were all the more eager to carry Alabama for Harrison, and under the theory of popular instruction, to force the Legislature, however constituted, to elect a Whig in succession to William R. King in the Senate of the United States.[17] Their enthusiasm in this regard was increased

[11] *Wetumpka Argus*, July 24, 1839. Lyon withdrew just before the election.

[12] Garrett, Reminiscences, 103; *Mobile Commercial Register*, May 8, 1839.

[13] *Tuscaloosa Independent Monitor*, Aug. 16, 1839.

[14] *Huntsville Democrat*, May 25, 1839.

[15] *Tuscaloosa Flag of the Union*, n.d., in *Huntsville Democrat*, Sept. 7, 1839; Garrett, Reminiscences, 103.

[16] *Niles' Register*, LVIII, 374, 390.

[17] Garrett, Reminiscences, 127.

by the prospects of electing three Whig representatives in the next congressional campaign, basing their hopes on the showing made in the previous year. Furthermore, the espousal by Dixon H. Lewis of Van Buren, whom he had formerly opposed, was now operating to render Lewis less popular in certain sections and among certain people of his district; and the Whigs were increasingly confident that they could win the Montgomery constituency, in addition to the two they already controlled, in the congressional elections of 1841.[18]

Early in April the campaign opened, before the nominations were made. Clay had been the idol of the Alabama Whigs, despite their disagreement with him on certain policies, but there was no sulking in the tents when the news came that General Harrison had been nominated for the first place on the ticket.[19] And with the exception of a part of the chronically disaffected States Rights element, the Democrats were as firmly united on the candidacy of Van Buren. Arthur F. Hopkins, of Madison, Nicholas Davis, of Limestone, Henry W. Hilliard,[20] of Montgomery, Elisha Young, of Greene, John Gayle[20] and James Dellet, of Mobile, an unusually able group of men, were the outstanding leaders of the Whigs; while the Democratic spokesmen were David Hubbard, of Limestone, Colonel Benjamin Fitzpatrick, of Autauga, John Murphy, of Clarke, and Reuben Chapman, of Madison. Meetings, barbecues, joint debates, parades, were held in all sections of the State.[21] The Whigs put forth unusual efforts to shake the solidarity of the Democratic strongholds in northern Alabama, sending their ablest and most persuasive speakers and campaigners into these northern counties. The whole contest amounted practically to a struggle between the "North" and the "South" for supremacy in the politics of the State, though the usual principles in dispute between the

[18] Cf. biographical sketch of Lewis in Brown, Portrait Gallery, etc.; Garrett, Reminiscences, 471.

[19] Cole, Whig Party in the South, 56-57; DuBose, Life and Times of Yancey, 86.

[20] The Democrats habitually referred to ex-Governor Gayle as "the renegade," because of his defection from Jackson and the Democracy in 1836, and to Hilliard as "the right reverend preacher." The Whigs called the Sub-Treasury plan the "Sub-Fudgery," and they were spoken of by their opponents as "Whigeltails." *Huntsville Democrat*, August, 22, 1840.

[21] DuBose, Life and Times of Yancey, 86-90.

two parties were discussed in every county. But as a matter of fact, the Whigs of Alabama were none too earnest and whole-hearted in their support of all the measures advocated by their associates in the national organization. To a very considerable extent, the personality of General Harrison was of more moment in the campaign than any principle for which he was supposed to stand.[22] The Whigs made a great deal of the "hard times," blaming Van Buren and his Sub-Treasury for all of it; charged him with sympathy with the abolitionists; and urged that Harrison was more friendly to Southern interests.[23] The Democrats countered on this by denying that their candidate was in alliance with the opponents of slavery and by asserting that inasmuch as Harrison had pledged himself to veto no bill sent to him by congress, he could not veto the bill for the abolition of slavery in the District of Columbia.[24] On the other hand, General Harrison was denounced by the Democrats as a "Federalist of the Reign of Terror stripe," in favor of a high tariff, internal improvements by the general government, a national bank man, and an abolitionist.[25] The Democrats said tauntingly that all Harrison possessed in the way of qualifications for the presidency was availability and that he was not intellectually competent to fulfill the duties of the office, quoting Webster, that "General Harrison is the pity of his friends and the scorn and derision of his foes."[26] At a big barbecue at Tuscumbia, in northern Alabama, in September, the campaign methods of the Whigs were criticised as "an insult to the American people."[27] The Whigs in Alabama employed the usual spectacular methods and parapherna-

[22] Hodgson, Cradle of the Confederacy, 238; Brown, Hist. of Alabama, 183; cf. Cole, Whig Party in the South, 61.

[23] *Huntsville Democrat*, Oct. 8, 10, 1840.

[24] Cf. arguments in the meeting at Blountsville, Sept. 21, *Huntsville Democrat*, Oct. 3, 1840.

[25] *Mobile Register*, Sept. 14, 1840; *Huntsville Democrat*, Oct. 10, 1840; *Mobile Advertiser*, Sept. 16, 1840. The Democratic papers were so constant in their references to the abolition sentiment of Harrison that a supporter of Van Buren at Huntsville, writing to the *Huntsville Democrat*, asked the editor to discontinue his references to abolition and the abolitionists, inasmuch as the agitation of such a question "would excite improper feelings amongst a certain caste of our population." *Democrat*, Sept. 19, 1840.

[26] *Huntsville Democrat*, April 11, 1840.

[27] *Id.*, Sept. 19, 1840.

lia of the national campaign—the log cabin, the coon skin caps, hard cider, etc., and circulated, for campaign purposes, the "Extra Pilot" and the "Log Cabin."[28]

When ex-Governor Gayle, a Whig elector, addressed the Huntsville Tippecanoe Club, *The Democrat,* of that place, sneered at him as an apostate and said that Gayle spoke at night because he dared not let the people in the country hear what he had to say. Gayle declared that he would spend the fall in northern Alabama and revolutionize the politics of that section—to which *The Democrat* retorted that the former governor had had too much Whig hard cider—or worse.[29] In an article headed "A Great Outrage," the Cahawba *Democrat* gives an account of a Democratic meeting in Mobile, called to celebrate the cheering news from the New York election, which so nettled the Whigs, "who have the city authorities in their hands," that they caused the chairman of the meeting, a very respectable gentleman, Colonel W. R. Hallet, and others, to be arrested and fined for "riotous and disorderly conduct."[30] Arthur F. Hopkins, perhaps the most prominent and certainly among the ablest of the Whig leaders, was accused by the editor of the *Huntsville Democrat* of being in correspondence with a certain Clark, then a notorious abolitionist. The absurdity of the charge against a large slave owner was easily shown; and *The Southern Advocate,* the leading Whig paper in northern Alabama, denounced the editor of *The Democrat* most unmercifully for playing the spy on letters addressed to Whigs, while acting as assistant postmaster in Huntsville.[31]

In August, the Whigs began to charge that the Democrats were relying not on arguments but on calumniations of Harrison and the Whig party; and the Democrats retorted that the Whigs were trying to keep Harrison concealed, and were attacking the Sub-Treasury to ward off criticism of their candidate's "shilly shally

[28] *Greensboro Beacon,* Aug. 8, 1840; *Huntsville Democrat,* Aug. 8, 1840; *Tuscumbia North Alabamian,* June 20, 1840; DuBose, Life and Times of Yancey, 87.

[29] *Huntsville Democrat,* Sept. 5, 1840.

[30] *Cahawba Democrat,* n.d., in *Huntsville Democrat,* May 23, 1840.

[31] *Huntsville Democrat,* Aug. 29, Sept. 5, 1840; *Southern Advocate,* Sept. 5, 1840.

notions on a United States Bank";[32] that they were trying to wage an offensive war because they realized how weak they were defensively.[33] These incidents, charges, and counter-charges serve to show the extreme bitterness engendered during the campaign, and the extent to which personal abuse was resorted to for lack of better argument in the contest between the parties. It was contemptuously said that the farmers of Jackson, Marshall, and other northern counties would doubtless give Van Buren a great vote, "if they found out the day of the election!" Taking up this taunt, the *Huntsville Democrat* urged these men to answer at the polls, "if you are opposed to odious distinctions between rich and poor, and to that partial legislation which gives peculiar and exclusive privileges to a favorite few, at the expense of the many. Rally from the coves, the valleys, the plains, and the hills—" a plea which is reminiscent of Patrick Henry or Thomas Jefferson.[34] The newspaper war was peculiarly acrimonious and bitter, particularly among the press of northern Alabama. The *Huntsville Democrat*, the *Southern Advocate*, the *Tuscumbia North Alabamian*, the *Florence Gazette*, the *Florence Enquirer*, the *Tuscaloosa Flag of the Union*, and the *Tuscaloosa Independent Monitor* hurled sarcasm and scurrilities at each other—the articles, in many cases, teeming with vulgar and abusive epithets, with little regard for decency or fair play.[35]

[32] In a speech in Huntsville during the campaign, B. G. Shields, of Marengo, a leader of the southern Democrats, declared that the Whig policy of employing banks as the fiscal agents of the Government would concentrate power in the hands of the executive, through his control of the selections of these banks, to a greater extent than Van Buren's Sub-Treasury plan; and that when Harrison's friends were denouncing the "monied influence" and the patronage of the executive department under the Independent Treasury system, they were at the same time advocating "a system of incestuous union between the monied and political powers of the country;—" which would bread corruption, overthrow liberty, and dismember the government. He maintained that the policy of the Democrats was simply to increase the permanent supply of specie in the country, to limit the issue of bank paper, and to keep the banks in strict subordination to the constitutional law of the land. *Huntsville Democrat*, Sept. 12, 1840.

[33] *Id.*, Aug. 1, 1840; Circular, Lauderdale County Tippecanoe Club.

[34] *Huntsville Democrat*, Oct. 31, 1840.

[35] The editor of the *Huntsville Democrat*, for instance refers to the editor of the *North Alabamian*, a Whig paper, as "an uncouth babe of grace: a blue

In August, the election for representatives in the general assembly was held, and the Democrats swept the field, owing to the northern Alabama avalanche.[36] In middle Alabama, the Whigs won; and the Democrats attributed the result in this section to hard times and the consequent embarrassment of the people of middle Alabama.[37] "They have fallen into the delusion, as gross as it may seem," that "if General Harrison can be elected, a change can at once take place, money become plenty (sic), and the great staple of our country take a rise," as a letter from a gentleman in central Alabama put it.[38] In the house, the Democrats had 54 representatives, all from northern Alabama, and the Whigs, 46, all from southern Alabama. In the senate, there were 21 Democrats and 12 Whigs. Thus the legislative election of 1840 gave a sectional result, pure and simple.

The Democrats were encouraged, the Whigs correspondingly depressed by the results of the August elections, though the intensity with which the contest had been waged continued unabated until November. In the election, the Democrats polled 33,991, the Whigs, 28,471—a majority of just 5,520 for the Van Buren electors in a total vote of 62, 462.[39] Above the northern line of the Black Belt, not a county gave a majority for Harrison; south of that

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onion Yankee—possessing all the cunning artifices, the adroit legerdemain and cute notions of his tribe, together with a full measure of unblushing impudence, which have enabled him to feather his nest, much to his advantage among a too credulous people. His appropriate vocation would be a scavanger or ditcher. * * * His office is a lazar-house, full of corruption, pestilence, and filth. He lies with the most graceful effrontery and uncompromising audacity. His ways are as crooked and as grovelling as a serpent's, and marked by the same slimy exudations." And the editor remarks in conclusion that this was not a circumstance to what the editor of the *Franklin Democrat* thought of the editor of the *North Alabamian!* Under such conditions of journalistic repartee, it seems remarkable that a paper could have been issued twice in succession from the same uninjured plant. *Huntsville Democrat,* June 19, 1840.

[36] *Id.*, Aug. 15, 1840.

[37] The *Huntsville Democrat,* Aug. 8, 1840, said exultantly, and truthfully, that the Whigs had not won a seat "this side of Tuscaloosa." It is interesting to note that the composition of the lower house, in 1840, represented exactly the relative position of the two parties, Secessionists and Co-operationists, in the Secession Convention of 1861.

[38] *Huntsville Democrat,* Aug. 22, 1840.

[39] *Tuscaloosa Monitor,* June 29, 1842; *Huntsville Democrat,* Dec. 5, 1840.

line, everything was solid against Van Buren, except that Henry county gave him a majority of 66,[40] Washington, a majority of 13, and Clarke, a majority of 366. Nevertheless, the constant effort of the Democrats to associate the Whig candidate with the abolitionists had its effect in the Black Belt, and General Harrison fell far short of the normal party strength in many of these Whig strongholds.[41]

Aside from the glaringly marked sectional character of the election, the most strking thing about the vote was the fact that five northern counties, the northeastern group, Jackson, Madison, Marshall, St. Clair, and DeKalb, alone gave Van Buren a majority of 5,715, or 195 more than his majority in the entire State; and Jackson county, "the flag-ship of the Alabama Democratic fleet," as it was called, gave Van Buren a majority of 2,090 in a total vote of 2,204—Harrison polling just 57 votes in the county.[42] The Democrats of southern Alabama were warm in their praise of the "unflinching Democracy of the mountains—" "the avalanche from northern Alabama"; and the *Greensboro Beacon of Liberty*, a Democratic paper in a very hotbed of Whiggery, Greene County, expressed the "warmest feeling of gratitude to the unflinching Democracy of the North," which had enabled the State to rebuke "Federal insolence."[43]

In the bitterness engendered by the elections in 1840 the fight for political supremacy between the sections went steadily on. At this time, of the five representatives from Alabama in the lower house of the congress of the United States, two were Whigs. The Montgomery district was debatable ground, part in

[40] Henry was at this time an unimportant 'white' county in the extreme southeastern corner of the State, having no common interests with the Black Belt. See above, p. 18. The majorities for Van Buren in Washington and Clarke, two counties on the outskirts of the Black Belt, were probably due to the great personal influence of ex-Governor John Murphy, of Clarke. Garrett, Reminiscences, 327. The latter was a 'black' county, having a negro population 51% of the whole. Van Buren carried all three of these counties in 1836.

[41] Cf. especially the Whig majorities of 128 in Sumter, out of 2,488 votes cast, 148 in Perry out of 1,798 cast, 247 in Marengo out of 1,407 cast.

[42] *Tuscaloosa Monitor*, June 11, 1841. This same fact was noticeable, too, in the elections for representatives under the general ticket plan, in 1841, see below, p. 80.

[43] Extracts in *Huntsville Democrat*, Nov. 28, 1840.

the Whiggish Black Belt, part in the new territory recently opened up for settlement in eastern Alabama; and the election of Lewis in this district in 1839 had been construed as just as favorable to the Whigs as to the Democrats.[44] The Whigs stood an excellent chance, it seemed, under the existing circumstances, to elect a representative of their party in the Montgomery district in 1841 and thus get a majority of the Alabama delegation.[45]

To absorb the Whig majorities in the Tuscaloosa and Mobile districts and the strong Whig minority in the Montgomery district in the larger Democratic majority from northern Alabama was an obvious tactical movement for the Democrats at this juncture.[46] In the *Wetumpka Argus*, William L. Yancey, its editor, was urging such action to enable Alabama to present an undivided front. "In three districts out of five, the Whigs have the power of electing a majority of Congressional representatives, while actually in a minority in the State of 6,000 votes. Thus the State is misrepresented;" while the *Tuscumbia North Alabamian* contended that the general ticket system "is saying, in other words, that it is just or expedient that the mountains of northern Alabama should misrepresent the majority of the balance of the State."[47] Several other States had adopted the plan of electing representatives on a general ticket; and a year before this, in 1839, such a measure had been urged in the Alabama Legislature. The suggestion "acted as a firebrand," according to a contemporary report, and the proposed bill was tabled. A correspondent of the *Montgomery Advertiser*, writing from Tuscaloosa, the capital, under date of December 11, 1839, said: "If defeated, it will be by the friends of your immediate representative in Congress, now in the legislature. They seem to be afraid that he will lose his seat by the success of the measure, an error of opinion that they no doubt honestly entertain. The Democratic party view Mr. Lewis as one of them and, as far as I am informed, are resolved to sustain him in his public career.[48]

[44] See ante, p. 68.

[45] See ante, p. 69.

[46] Garrett, Reminiscences, 138; Petrie, in South in Building of the Nation, II, 280; *Huntsville Democrat*, Nov. 28, 1840.

[47] In *Huntsville Democrat*, Jan. 2, 1841.

[48] Letter quoted in *Huntsville Democrat*, Dec. 29, 1839.

In urging the passage of such a measure in 1840, the Democrats pointed out that as at present represented in congress, the State presented almost a perfect blank,[49] that the times were ominous for the South, since the federal and abolitionist strength of the next congress was of such a magnitude as to require every exertion on the part of the South to repel encroachments on its rights and institutions from the fury of the fanatics. Governor Bagby recommended the passage of a general ticket system in his annual message to the legislature[50] in the fall of 1840; and a bill was introduced.[51] In the senate, the bill brought out a heated discussion, lasting for several days, and was finally passed by a party vote of 19 to 12, ex-Governor McVay, of Wilcox, being the sole Democrat to dissent

[49] DuBose, Life and Times of Yancey, 95.

[50] "With the view to concentrate more perfectly the political energies of the State so far as practicable, and of consummating the genuine States Rights doctrine, I beg leave respectfully to suggest the propriety of changing the mode of electing members of Congress by Districts and of substituting instead thereof the general ticket system. Every State entitled to a separate and independent existence is supposed to possess a sovereign will, constituted, according to the theory of our Government, of the opinions and wishes of the majority of our people. This sovereign will, when ascertained according to the provisions of the Constitution, forms, after all, the great operative principle of representative democratic government. Hence, in elections, whatever method is most likely to obtain an expression of that will, and to carry it out in practice, is most congenial to the theory of our form of government. According to the principles of the Constitution, the *people* of the States are represented in the popular branch of the Legislature—the *people* of the States in their sovereign capacity—and if it be true that the will of this aggregate sovereign constitutes the great cardinal and distinctive features of representative government, it would seem to follow, inevitably, that whatever method was most likely to ascertain that sovereign will, and preserve it entire, is most conformable, not only to the spirit of the Constitution, but most conducive to the perpetuity of the sovereignty of the States. The general ticket system is not only believed to be defensible upon principle, but to be perfectly equitable in practice. It gives to a majority of the whole people of the State at all times whatever may be their political opinions the entire, undivided weight of the whole representation in Congress. Whereas, the district system not only tends to engender an attachment to sectional or local interests, at the expense of the whole, and sometimes to nourish a factious spirit, but to weaken the force of the State representation, and in some instances, to paralyze it altogether in the National Legislature." In Garrett, Reminiscences, 108; DuBose, Life and Times of Yancey, 95.

[51] *Tuscaloosa Independent Monitor*, Sept. 15, 1840.

from the action of his party associates.[52] In the House, the contest was yet more vigorous, continuing almost uninterruptedly for a week. After all the other parliamentary expedients, in which the leaders of the Whigs were peculiarly skilled, had been resorted to, the Whigs, on the call of the question, with one accord left the chamber; but when they found that the Democratic "whip" had arrested and brought in two Whig members who had been sick at home, thus obtaining a quorum, many of them returned and voted against the passage of the act. The bill was passed amid great excitement[53] and was approved by the governor on January 1, 1841.[54] The *Tuscaloosa Flag of the Union*, the administration organ, completely unmindful of whose ox was being gored, spoke of "the outrageous, violent, and most shameful and disgraceful conduct of the Whig portion of the House of Representatives," and of "the firmness, calmness, and dignity of the Democratic representatives, as they sat unmoved throughout the storm of the wild uproar and confusion * * * sternly resolved in their high purpose of doing justice to their constituents," and of "giving the voice of the majority its just prerogative of ruling and governing.[55] But the crowded galleries, following every movement of the debate, showed in no uncertain fashion the popular approval of the Whig course and the detestation the people of the city felt for the measure.

The Whigs were outraged.[56] George W. Crabb, the member of Congress from the Tuscaloosa district, one of the men at whom the action was aimed, in a bitter and scathing speech in Tuscaloosa a few weeks later, characterized the bill as a "specie [sic] of modern ostracism concocted and recommended more with a view to sub-

[52] Letter in *Huntsville Democrat* Jan. 9, 1841, from Tuscaloosa, dated Dec. 30, 1840. Note that McVay represented a Black Belt constituency.

[53] "So the bill passed in the midst of such a scene of uproar and violent opposition; of bitter and angry feelings, as has probably never before disgraced any deliberative assembly," according to the *Democratic Flag of the Union*; letter from Tuscaloosa, dated Dec. 30, in the *Gainesville Pilot*, quoted in *Huntsville Democrat*, Jan. 17; *Huntsville Democrat*, Jan. 2, 9, 16, 23, 1841; DuBose, Life and Times of Yancey, 96.

[54] *Tuscaloosa Independent Monitor*, Sept. 15, 1841.

[55] *Tuscaloosa Flag of the Union*, n.d., quoted in *Huntsville Democrat*, Jan. 16, 1841.

[56] *Tuscaloosa Independent Monitor*, July 28, 1841; *Flag of the Union*, July 21, 1841.

serve the selfish ends of a clique of would be party leaders than with the least expectation or desire to promote the welfare of the State or the prosperity of the people; * * * a gross violation of political principle, of moral propriety, and of sheer justice * * * to gratify party malice and wreak party vengeance."[57] And the *Wetumpka Times*, speaking of "the barefaced audacity of the measure," said that, in the present state of party virulence, "there was nothing too reckless and infamous" for the majority of the people of Alabama to do, moved by sectional hatred.[58] Indicative of the spirit of the debate on the measure, James E. Saunders, a Democratic representative from Lawrence, declared on the floor that "If the taxpaying counties of the South, these Whig owners of great numbers of slaves, should ever be disturbed in the peaceable enjoyment of their possessions, either by invasion of a foreign foe or by an internal contention, let them not turn their eyes to the North for aid."[59] The opponents of the system had tried unsuccessfully to have the operation of the act suspended until the voice of the people might be heard on the question,[60] and they entered their objections in a Formal Protest, January 4, 1841, against this "unconstitutional and unrighteous attempt at disfranchisement; this determined spirit in the North [the northern portion of the State] to wield the destinies of the South in obedience to their will and wishes; * * * against tyranny and usurpation."[61] The *Tuscaloosa Independent Monitor* taunted the Democrats, "in this peculiar and memorable juncture when the candidate of that party for the presidency had been signally defeated," with their failure to discover the great constitutional principle until three districts had gone against them. "Then the Constitution emitted its first spark of intelligibility to their benighted understandings."[62] And the editor of the *Monitor* spoke sarcastically of the glittering avalanche of Democracy rolling in majestic wrath from the mountains of northern Alabama on the verdant plains of the south, crushing every log cabin in its journey of destruction. And the editor of the

[57] *Huntsville Democrat*, April 3, 1841.
[58] In *Huntsville Democrat*, Dec. 1, 1840.
[59] DuBose, Life and Times of Yancey, 95-96.
[60] Garrett, Reminiscences, 143.
[61] *Id.*, 143-44.
[62] *Tuscaloosa Independent Monitor*, Sept. 15, 1841.

same paper showed that the general ticket act was passed by the aid of members (the *Monitor* refrains from calling them representatives!) from three counties which had given a Whig majority in the presidential election: Autauga, Sumter, and Pike.[63]

Soon after the inauguration of Harrison, it was decided that the state of the country required an early session of congress, and the President issued a proclamation convening Congress on May 31. Inasmuch as the terms of the representatives from Alabama expired on March 4, 1841, and the regular election would not be held until August, a necessity arose for an extra session of the legislature, to provide for the election of representatives before the end of May; and on March 29, Governor Bagby ordered the legislature to convene on April 19. A special election under the general ticket system, adopted at the last session, was authorized by law for May 20, 1841.[64]

At once the old political fires were rekindled into a flame; the Whigs recognized that they were in a minority in the State; and they were aggrieved at their treatment.[65] Each party brought forth a group of strong men as candidates, and the canvass, though brief, was vigorous, reaching all parts of the State. The Democratic candidates carried the election by an average majority of about 6,000.[66] The total vote was small, just two-thirds of that cast in the recent presidential election, each party seeming to suffer about equally through this defection.[67] Though all were running on a general ticket, each party had chosen one candidate from each

[63] By dexterous manipulation of the votes of the counties, the editor of the *Monitor* proves that the parties were evenly divided on the passage of the act, and that if they had "run true to form," the act would have been defeated. *Independent Monitor*, June 16, 1841.

[64] *Huntsville Democrat*, April 10, 1841; Garrett, Reminiscences, 209. The Democratic papers charged "Whig foolishness" with the responsibility for the expense of an extra session, inasmuch as they (the Whigs) had thwarted proper legislation during the previous stormy session. The *Huntsville Democrat* said that there was a large number of Whigs in northern Alabama thoroughly out of harmony with the party principles, and that the Federal cabinet was anything but agreeable to these men. Cf. *Huntsville Democrat*, April 17, 1841.

[65] Bills to repeal the general ticket system were introduced in both houses of the legislature at this special session, but they were defeated by a party vote. *Huntsville Democrat*, April 17, 1841; Garrett, Reminiscences, 209.

[66] Garrett, Reminiscences, 210, with vote.

[67] *Id.*, 210.

of the former districts, in order, as Mr. Yancy had said, to preserve the connection between the representative and his constituents.[68] An analysis of the vote in each district for the candidates resident in that district shows that the Whig candidate ran ahead of the Democratic in the Mobile, Tuscaloosa, and Montgomery districts, while the Democrats carried only the two northern districts. Thus the Democrats were justified in their fears, and the Whigs were made more certain of the malice and detestable character of their opponents. As apportioned to the candidates by districts, the total vote in the State, under the district system, would have been 20,896 for the Democrats, 17,702 for the Whigs—a Democratic majority of only 3,194. But under the general Ticket system, the Democratic candidates from the "South," defeated in their own homes, profited by the enormous majority piled up for them in the "North,"—the Democratic majority in the two northern districts being 5,140, and the Whig majority in the three southern districts amounting to 1,946. In harmony with the results in the presidential campaign of 1840, the five northern counties, Jackson, Madison, Marshall, St. Clair, and DeKalb, gave a total Democratic majority of 3,994, or just 800 more than the Democratic majority in the State.[69] Thus, under the general ticket system, it would have been in the power of these five counties practically to elect to Congress whom they pleased, "a form of party despotism that prescribes the whole representation of the State, * * * and the other forty-four counties are but vassals of their enlightened pleasure," according to the *Tuscaloosa Independent Monitor*. "Alabama is as clearly governed to all national purposes by this stronghold, * * * these Rob Roys of Democracy, this balance of power in the north * * * as is Russia by the autocrat. Until the mass of prejudice, which pierces the horizon like their own mountain peaks, shall be overcome by a spirit more congenial to republican government than that which seems now to actuate the people of that section, the

[68] In Sumter, Lowndes, and Marengo, the home counties of the Democratic candidates from these districts—Payne, Dixon H. Lewis, and Shields—the Whigs won a majority, while Tuscaloosa, Montgomery, and Wilcox, the home counties of the candidates of the Whigs in the southern districts—Crabb, Hilliard, and Burke—gave majorities for the Whigs. *Independent Monitor*, June 11, 1841.

[69] See figures in Garrett, Reminiscences 210.

prosperity of the State and the happiness of the people will never form the rallying point of those in power. They will continue to depredate as they have done, on the public weal for their own selfish purposes."[70]

And so, the will of the people in the districts was thwarted, and the sectional majority of the Democratic "North" revenged itself on the sectional minority of the Whiggish "South" and the southern planters.

But coming events had evidently foreshadowed to the Democracy the unpopularity of the general ticket scheme, however serviceable it might be to the party in power. Especially had the Democrats in the southern part of the State expressed their dissatisfaction at the sectional measure of their party associates in the north, as, for example, in the vote of the Montgomery district. Therefore, during the extra session, at the same time that provision had been made for the election of representatives in congress, a clause was inserted in the act providing that the will of the people on the question of the general ticket or district system should be expressed in the August election.[71] The revulsion of feeling on the measure had been so clearly shown that the up-state Democrats were fearful that, at the next congressional election, the Whigs would win the seven seats to which Alabama would then be entitled under the new apportionment.

The difficulties within the Whig party, nationally, tended seriously to weaken the men of that party in Alabama and to dampen their enthusiasm,[72] yet, although Fitzpatrick, Democratic candidate for governor, defeated McClung, who received the support of the Whigs,[73] nevertheless, the district system prevailed

[70] *Tuscaloosa Independent Monitor*, June 11, 1841.

[71] Act approved April 27, 1841; *Huntsville Democrat*, May 29, 1841.

[72] Garrett, Reminiscences, 219.

[73] *Id.*, 212. Fitzpatrick had a majority of 6,755 over McClung, out of a total vote of 49, 193. McClung was not a Whig—rather, he claimed to be a Democrat. But the Whigs gave him their support because of his Whig affinities and because of his opposition to the out-right Democrat, Benjamin Fitzpatrick. McClung was a nephew of Hugh Lawson White, supported White for the presidency in 1836, and was neutral in the Van Buren-Harrison contest in 1840. Garrett, Reminiscences, 304.

over the general ticket, in the election held on that question.[74] In view of the result, the Whigs expressed much curiosity to know how the "smuggled trio in congress," Payne, Lewis, and Shields, would feel, inasmuch as a majority of the people had virtually declared that their election had been obtained by proscription and tyranny. "It now remains for the doctrine of popular instruction, so zealously maintained, when it suits their purposes, to be exemplified by Messrs. Payne, Lewis, and Shields, the notorious smugglers from Alabama, by an immediate surrender of their trusts, which they can no longer hold with honor or decency."[75]

When the legislature met, in November, 1841, the law providing for the general ticket system was repealed,[76] in conformity with the popular will, despite the fact that Governor Bagby, in his message, entered into a laborious defence of the scheme and urged that it be not rescinded.[77] A writer in the *Tuscaloosa Independent Monitor* said that Bagby's arguments were too absurd to merit refutation; and that the people could not be led to believe, "even upon the credulity of party obsequiousness," that what had escaped the sagacity of the whole American people, including such men as Marshall, Jefferson, and Madison, had suddenly been discovered by Bagby—"since the days of miracles are over."[78]

Checked for a time, sectional hostility flamed up again with renewed virulence in the legislative session of 1842-3. Defeated on the general ticket plan by the vote of the people but determined to perpetuate their control of the State, the Democratic majority in the legislature, in accordance with the recommendation of Governor Fitzpatrick, now came forward with the proposal to reconstruct the congressional districts, following the census of 1840, on the basis of white population only.[79]

[74] *Huntsville Democrat*, August 7, Nov. 20, 1841; *Tuscaloosa Independent Monitor*, Aug. 19, 1841; Petrie, in South in the Building of the Nation, II, 280-81.

[75] *Tuscaloosa Independent Monitor*, Aug. 25, Sept. 15, 1841.

[76] Garrett, Reminiscences, 219.

[77] *Id.*, 204; *Tuscaloosa Independent Monitor*, Nov. 3, 1841.

[78] *Tuscaloosa Independent Monitor*, Dec. 11, 1841.

[79] Fitzpatrick's message, and the resolution of Walthall, in Garrett, Reminiscences, 246; *Tuscaloosa Independent Monitor*, Dec. 21, 1842. In a contest for a seat in the House in Coosa county, William L. Yancey, then just coming into prominence in the political life of the State, favored the "white basis," assert-

The Walthall resolution, instructing a select committee to lay off the Congressional districts on the basis of white population alone, without regard to the slave population, was adopted in the house, after a lengthy and acrimonious debate, by a strictly sectional vote, 46 to 38. Every representative from a northern constituency, all Democrats except Cain, of Walker, a northern county, voted in favor of the resolution; the opposition included every southern member—all Whigs with the exception of six Democrats representing Black Belt districts.[80] In the Senate, the vote was 15 to 13, divided as in the house, on a strictly sectional-partisan basis.[81]

The Whigs of the house, after the passage of the resolution, drew up a formal protest, which was entered on the journal. This protest asserted that the action taken by the majority was a violation of the provisions of the Constitution of the United States; that it tended to impair the right of the people of the slaveholding States to an increased representation in congress on account of their slaves; that it aimed to overthrow a uniform and long established usage, introducing an alarming and dangerous innovation; that though not so intended, it aided and abetted the doctrines of the abolitionists;[82] and finally, "because the resolution, in its practical effect, works the double injustice of giving to the northern part of the State an undue advantage over the south—and to the domi-

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ing that in this he represented "the great mass of the people versus the aristocracy"; and that the "mixed basis," i.e., the federal ratio, would "commit to the hands of a slaveholding minority the whole power of the State." DuBose, Life and Times of Yancey, 110; cf. *id.*, 108-9. On the same argument and attitude, see *Tuscaloosa Independent Monitor*, Jan. 11, 1843.

[80] John Erwin, of Greene, James M. Calhoun, of Dallas, John A. Campbell, of Mobile, Martin, of Benton, (now Calhoun), Meriwether, of Tuscaloosa, and Winston, of Sumter. The division is shown in Garrett, Reminiscences, 247.

[81] *Id.*, 250.

[82] Cf. also, the speech of Oliver, of Montgomery, in the House, to the same effect. *Tuscaloosa Independent Monitor*, Jan. 11, 1843. In the same speech, Oliver said: "Don't disturb the strong pillars on which the federal ratio stands, for if they are uprooted, farewell to the Union, and farewell to liberty forever." Cf. also, Pettit, of Barbour, *Tuscaloosa Independent Monitor*, Jan. 18, 1843.

nant party in the State, an equally unjust advantage over those who differ with them in opinion."[83]

The discussion on the resolution and the result of the voting showed conclusively that the Whig party, now absolutely dominant in the great slaveholding counties of the Black Belt, controlled the entire southern section of the State; that the Democratic party, with its enormous majority in the northern 'white' counties, had brought that entire section, including the 'cotton' counties of the Tennessee Valley, into full affiliation with the Democracy; and that this sectional spirit now permeated and influenced party councils and party action to the practical exclusion of all things else.[84]

[83] Journal of the House, 1842-30, 396-8; Garrett, Reminiscences, 248; *Tuscaloosa Independent Monitor*, Dec. 21, 1842; Jan. 11, 1843; Petrie, in the South in the Building of the Nation, II, 280-81. John A. Campbell, a Democratic representative from Mobile, the ablest man in the legislature, in a separate protest, submitted a learned argument against the constitutionality of the proposed action. Garrett, Reminiscences, 249.

[84] The effort to rescind the "white basis" apportionment, in 1843, showed the persistence of the sectional alignment. Garrett, Reminiscences, 340-41.

CONCLUSION

In the period of the State's history which has been brought under review, 1819-1842, underlying all the political contests and shaping the attitude of the people on political theory, was this sectional bitterness, this struggle between northern Alabama and southern Alabama for the control of the State. The lines of opposition were closely drawn, the territories strictly marked off. In every campaign, the economic interests of the large planter and slaveholder of the Black Belt and of the small farmer, generally a non-slaveholder, of "the North" conflicted sharply, and political philosophy was constantly flavored with sectional animosity. Though, in the earlier years, there were counter currents in each section, by the close of the period a distinct, almost irresistible tendency appeared moving in the direction of complete unification on sectional lines. Social and economic interests were overridden at the behest of sectional and partisan demands. From 1838 to 1842, in the political contests of the times, Democrats of southern Alabama were voting with the Whigs of that section; the Whigs of northern Alabama were joining the Democrats of that region, their friends and neighbors. By 1842, sectionalization had become complete in political affairs; and differentiation in social and economic matters, apparent from the first years of Statehood, was growing more rigid, more distinct, fostered and furthered as it was by political hostility.

The prime significance of the period, finally, is found in the effect that this sectional spirit, operating with increasing virulence, exerted some twenty years later on the attitude of the State and of party and factional leaders in the grave crisis of secession.

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